

# DOCUMENT RESUME

ED 184 743

RC 011 788

AUTHOR Carter, Thomas P.  
 TITLE Interface between Bilingual Education and  
 Desegregation: A Study of Arizona and California.  
 SPONS AGENCY National Inst. of Education (DHEW), Washington,  
 D.C.  
 PUB DATE Aug 79  
 GRANT NIE-78-0128  
 NOTE 153p.  
 EDRS PRICE MF01/PC07 Plus Postage.  
 DESCRIPTORS Administrative Problems; \*Bilingual Education;  
 Community Attitudes; Court Litigation; Definitions;  
 Delivery Systems; Demonstration Programs;  
 Desegregation Litigation; Educational Legislation;  
 Educational Philosophy; \*Educational Planning;  
 Educational Policy; Equal Education; Literature  
 Reviews; Magnet Schools; \*Mexican Americans; Non  
 English Speaking; Program Development; \*Racially  
 Balanced Schools; Research Needs; \*School  
 Desegregation; Spanish Speaking  
 IDENTIFIERS Arizona; \*Brown v Board of Education; California;  
 \*Lau v Nichols

## ABSTRACT

There is no inherent conflict between bilingual education and desegregation; only lack of creativity and lack of commitment deter implementation of bilingual programs in racially balanced schools. A review of literature related to the Brown v. Board of Education and Lau v. Nichols decisions revealed that bilingual education and school desegregation can and do coexist even though they appear to be contradictory (i.e., historically, desegregation has dispersed minority group students, and bilingual programs have concentrated them). Federal guidelines for the Lau decision have created unnecessary confusion among educators and within the Mexican American community regarding what is required and expected of bilingual education. A field study of school districts in California and Arizona yielded insights into the process of developing bilingual education in desegregated schools, but no school district provided a model program. Those planning bilingual education in a desegregated setting must first develop a "master plan" committed to establishing equal educational opportunity and then carefully integrate bilingual programs into that plan, providing methods that encourage Anglos and Blacks to participate in bilingual education, that maintain a "critical mass" of LES/NES (Limited English Speaking/Non-English Speaking) students around which to develop bilingual programs, and that ensure adequate staffing.  
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INTERFACE BETWEEN BILINGUAL  
EDUCATION AND DESEGREGATION:  
A STUDY OF ARIZONA AND CALIFORNIA

THOMAS P. CARTER



A STUDY SUPPORTED BY THE  
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AUGUST 1979

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EDUCATION AND DESEGREGATION:  
A STUDY OF ARIZONA AND CALIFORNIA

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A Study Supported by the  
National Institute of Education

NIE Grant No. 78 ~~0000~~ 0128

August 1979

## TABLE OF CONTENTS

|                                                        | Page |
|--------------------------------------------------------|------|
| List of Tables . . . . .                               | iii  |
| <br>SECTION I                                          |      |
| Introduction . . . . .                                 | 1    |
| <br>SECTION II                                         |      |
| The Research Approach . . . . .                        | 3    |
| The Objectives . . . . .                               | 3    |
| The Staff . . . . .                                    | 7    |
| Definitions . . . . .                                  | 8    |
| <br>SECTION III                                        |      |
| The Ambiguous Mandate . . . . .                        | 13   |
| Equal Educational Opportunity . . . . .                | 14   |
| Brown and its prodgeny--desegregation . . . . .        | 14   |
| Lau and bilingual education . . . . .                  | 25   |
| Other Problem Areas . . . . .                          | 39   |
| Conclusions . . . . .                                  | 44   |
| <br>SECTION IV                                         |      |
| Problems of Implementation . . . . .                   | 46   |
| The Comprehensive Education Plan . . . . .             | 47   |
| The plan's development . . . . .                       | 47   |
| "Programmatic priority" . . . . .                      | 51   |
| The need for clear definition . . . . .                | 52   |
| Attitudes toward desegregation . . . . .               | 52   |
| In summary . . . . .                                   | 69   |
| Bilingual Programs Within the Master Plan . . . . .    | 70   |
| Bilingual education "philosophy" . . . . .             | 71   |
| The critical mass . . . . .                            | 76   |
| Community perceptions of bilingual education . . . . . | 78   |
| Staff resources . . . . .                              | 83   |
| In summary . . . . .                                   | 84   |
| Conclusion . . . . .                                   | 84   |
| <br>SECTION V                                          |      |
| The Organization of Bilingual Education                |      |
| Within Desegregated Schools . . . . .                  | 86   |
| Organizational Types . . . . .                         | 86   |
| Individual learning plans . . . . .                    | 87   |
| "Pull-out programs" . . . . .                          | 89   |
| The bilingual classroom . . . . .                      | 90   |
| Magnet schools . . . . .                               | 91   |
| Total district bilingual organization . . . . .        | 99   |
| Conclusion . . . . .                                   | 99   |

|                                                                                                                                     | Page |
|-------------------------------------------------------------------------------------------------------------------------------------|------|
| SECTION VI                                                                                                                          |      |
| Conclusions and Recommendations . . . . .                                                                                           | 101  |
| Conclusions . . . . .                                                                                                               | 102  |
| Recommendations . . . . .                                                                                                           | 103  |
| Closing Thoughts . . . . .                                                                                                          | 104  |
| Bibliography . . . . .                                                                                                              | 105  |
| APPENDIX A . . . . .                                                                                                                | 119  |
| Rights of Language Minority Students Under Federal<br>and State Laws: Real and Imagined Conflict<br>R. J. Hiller and P. C. Grossman |      |
| APPENDIX B . . . . .                                                                                                                | 123  |
| Bilingual Education Within a Districtwide<br>Integration Plan<br>A. Nadeau                                                          |      |

## LIST OF TABLES

|                                                                                                                                  | Page |
|----------------------------------------------------------------------------------------------------------------------------------|------|
| TABLE I . . . . .<br>Ethnic and Racial Composition of Desegregated<br>Schools Employing the Concepts of Balance<br>and Isolation | 23   |
| TABLE II . . . . .<br>Summary of Federal and California Laws<br>Relating to Bilingual Education                                  | 30   |
| TABLE III . . . . .<br>Selected Findings of the San Diego Survey of<br>Parents Not in Desegregated Programs                      | 54   |
| TABLE IV . . . . .<br>Selected Results of the Los Angeles Study                                                                  | 56   |
| TABLE V . . . . .<br>Parental Attitudes Toward Desegregation and<br>Related Aspects in Riverside                                 | 58   |
| TABLE VI . . . . .<br>San Diego Magnet School Survey 1977-78                                                                     | 78   |
| TABLE VII . . . . .<br>An Organizational Typology of Bilingual<br>Programs in Balanced School Settings                           | 88   |



## SECTION I

### Introduction

Very few activities in public affairs are more confusing and politically charged than are bilingual education and school desegregation. Both involve the legislative, executive, and judicial branches of state and national government. Both are seen by the public as having major social, as well as educational implications. Neither are well understood by practitioners nor the public in general. Much heat but little light is being generated.

In many situations demographic conditions appear to seriously discourage the simultaneous implementation of bilingual education and desegregation; yet in other situations they appear more compatible. Examples of workable coexistence are neither well documented nor analyzed. This hampers rational decision making. The Brown and Lau decisions appear in conflict and are, at the least, difficult to implement simultaneously.

H.E.W.'s guidelines reflecting the Lau ruling contribute to confusion. Many minority group leaders hailed the decision as a milestone in their efforts toward linguistic and cultural pluralism. Yet the guidelines seem to encourage transition programs geared to move non-English speakers into the mainstream education system as rapidly as possible. The definition of bilingual education itself is confused as is the federal and state mandate to implement it. However, bilingual education gained in force as guidelines were developed to describe alternatives.

Over time the bilingual mandate to provide "additional services to limited English speakers" clashed increasingly with desegregation's mandate to provide equal education to all. The equal access and input side of the equal opportunity movement clashed with the equal benefits perspective. Practitioners argued the two perspectives were antithetical. Planners argued that desegregation demanded dispersal of children equally throughout a district, while bilingual education required keeping non-English speakers together and separate. This was important in desegregation planning as limited and non-English speakers are concentrated in certain minority groups, especially the Hispanic. School staffs found great difficulty in aligning the two mandates.

Bilingual school organization is often proposed to "solve the problem" by keeping children separated in programs designed to capitalize on their home language. Desegregation is seen to end such isolation, enhance achievement, and ultimately encourage social integration. In some demographic situations both remedies can be simultaneously implemented quite easily; in others it is more difficult. This "incompatibility" is reflected in the majority and minority communities. Forceful advocates of each "solution" counter the proponents of the other. Few documented cases, or even models, exist to demonstrate workable solutions to the quandry. How was it possible to keep Hispanics together for bilingual education while dispersing them throughout a school district in order to reach school ethnic racial balance. The "conflict of directives" was exacerbated by conservative elements among Anglos who would prefer neither program and some Hispanics who preferred bilingual education in strictly Mexican American schools. Some school districts implied a forced choice between desegregation or bilingual education: arguing one could not have both simultaneously. The more confused the more acrimonious became the situation. The situation was compounded by the lack of conclusive evaluations of either desegregation or bilingual education. Unfortunately, the bulk of evidence indicates neither increases minority group academic achievement. While the issue is not closed, such evidence discourages school district commitment to either.

During the last decade the assumed conflict between the mandates caused prominent educators, social scientists, and civil rights attorneys to more closely examine the issues. Their growing concern encouraged participation of the National Institute of Education. In 1977, the Institute sponsored a national conference on the subject. The outgrowth was the offering of funds to support research concerning the interface between bilingual education and desegregation. Practically no research had been conducted in this area: academic or social science literature was almost non-existent. Such circumstances led to the funding of this project and ultimately to this final report.

## SECTION II

### The Research Approach

This study of bilingual education in desegregated settings was much more difficult than originally envisioned. This was due to two major problems. First, the paucity of literature in the field forced reliance on field study; second, research in school districts was difficult because of lack of time and resources and, most importantly, the extreme variations among districts. Each district had its own diverse history of desegregation and of bilingual education within it. Total resources of time, energy, and money could have been spent on any one of the districts studied, even then description and analysis would have been less, but still, superficial. No model districts could be determined prior to interviewing and observing in the field: even after doing so in almost all "desegregated districts" in California, it is difficult to identify "models" of implementation. There probably are no model districts: rather, there may be merely certain processes that are variously applied depending on circumstances.

The study was forced to become a field survey of desegregation and bilingual education in two states, Arizona and California. The product became a description of problems confronting those who implement both mandates. And an analysis of the various ways districts address or resolve associated problems. At best, this can be seen as a "policy study" focusing on desegregation and bilingual education in rapidly evolving circumstances.

### The Objectives

Originally, the project proposed to describe and analyze "workable models interfacing desegregation with bilingual education." A "workable model" was one in which a bilingual education program operates within a desegregated school district. In other words, a school district in which two, or more, languages are employed as mediums of instruction within schools and classrooms that approximate the ethnic/racial composition of the district. Such schools would meet court ordered desegregation plans or if not mandated would be by their demographic nature considered desegregated. To accomplish this a typology of distinct bilingual school organizations within differing demographic situations was proposed. It was

anticipated that two to four combinations of educational, and demographic characteristics would be identified and described. A combination of research approaches was to be employed to develop the typology. Identification of specific schools representative of each type would follow. Intensive field study would be made of two to four "model schools." A description and analysis would have been made of the process leading to workable models to include: (1) the demographic and educational conditions; (2) the process of reaching the present, including attention to finance, legislative action, judicial mandate, and social forces; and (3) educational decision making and programmatic outcomes. These site descriptions would have provided insight into the dynamics of each individual situation and hopefully been representative of those districts of similar type. Analysis would have involved a careful explanation of the interaction of social, educational, and desegregation forces. In this way an understanding gleaned from the experience of those directly involved, as well as the expertise of the project consultants and research staff, would be available to the reader. Analysis implies careful explanation of interrelationships of forces, as well as assumptions of causation made by those involved as well as by project staff. These objectives were modified after a review of the very limited literature and preliminary interviewing.

A careful study of the literature directly relating bilingual and desegregation efforts was made; this is an extremely limited literature. No attempt was made to make a comprehensive review of either bilingual or desegregation literature; rather, reliance was placed on scholarly reviews done by others. This review of bilingual-desegregation literature involved study of the significant legal cases, as well as the educational works related to the implementation of bilingual education in desegregated schools. It contributed significantly to the development and explanation of legal and educational problem areas associated with the simultaneous implementation of bilingual education and desegregation. Formal social science studies of the bilingual education desegregation interface do not exist; however, a few analyses of problems, assumed conflicts of directives, and community attitudes were found. This limited literature was studied during the first phase of the study.

The more one read the more convinced I became that there was no conflict of directives inherent in the two mandates. Regardless, great confusion was evident: the two mandates were rife with imprecise definitions, political interpretations, government jargon and *educanto*, advocacy for varying interpretations, and evidence of diminishing efforts of public acceptance of either. No models, either structural or procedural, were evident, or could be drawn from the literature. Preliminary interviewing at the San Francisco Office for Civil Rights, MALDEF, and the Northern and Southern



California "Lau Desegregation Centers" confirmed my analysis of the literature. The original objective of locating, describing, and analyzing four or five school districts was seriously questioned.

The quandry of how to best employ severely limited time and resources to reach the stated objective was presented to staff of the two Lau Centers, to Dr. Charles Leyba, of California State University, Los Angeles; colleagues from my campus including Drs. Duane Campbell and John McFadden, and to Drs. Gary Orfield and Beatriz Arias, the two project consultants. The outcome of these meetings was to modify the objective and eliminate description and analysis of "model districts." This was seen as an impossible task considering resources and time. However, more importantly, the usefulness of models was seriously questioned. General agreement was reached that the objectives would be broadened and the model approach eliminated. The new objectives became a three-fold study of Arizona and California districts implementing the two mandates.

The first objective is to describe and analyze the two legislative and judicial mandates. Points of conflict or confusion are to be determined from both the literature and the field. These "points of friction" were to be described, analyzed, trends established (if possible), and conclusions and recommendations made.

Secondly, the implementation of the two mandates was to be investigated. This objective involved the study, almost exclusively in the field, of problems encountered by schools as they undertake simultaneous implementation. Differing approaches to cope with practical problems were to be described and analyzed as to their effectiveness under the varying and constantly changing demographic and educational circumstances. In a sense, this objective was to determine how practicing educators perceive the two mandates and how they cope with problems derivative of implementation. The great difficulty in this regard was the necessity of limiting consideration specifically to the interface between bilingual education and desegregation, in other words, to define the subject narrowly. We were not studying all aspects or problems of desegregation or all of bilingual education. This became a major problem, a great deal of time and effort was expended during interviews and in reading district material that was not germane to the specific concern. Conclusions were to be drawn and recommendations made.

The third objective was to develop a typology of organizational patterns of bilingual education within desegregated settings. This was to be drawn from field interviews and district materials. A description of program, or program components, within the possible patterns was to be undertaken. Where possible, specific programs were to be described that appeared to exemplify the different types. Analysis was to be made of processes or approaches that seemed to be most appropriate with the desegregated setting. Conclusions were



to be drawn and recommendations made.

To accomplish this, a written interview protocol was developed that included references to these three areas, basically; what are the problems, is there conflict, how do you cope with them, and how do you organize bilingual education in desegregated settings. Some 75 individuals were interviewed, notes were taken and later transcribed onto cards. In every district studied, efforts were made to interview the school executives responsible for desegregation and for bilingual education. Most often more than these two district level administrators were interviewed. Additionally, individuals from the Mexican American community were interviewed. In some cases, attorneys, university faculty and State Department of Education officials were interviewed. In each case printed material was requested and was invariably forthcoming. Desegregation and bilingual education plans (e.g.; Lau, Title VII, or ESSA) were acquired. However, many other types of documents; evaluations, program descriptions, board minutes, legal decisions, memoranda and program publicity, were also gathered. These were later digested and pertinent data transcribed to cards; over two file drawers of district material was collected.

The nature of the study prohibited validation of either the perceptions of individuals or of programs as described in district literature. If the Superintendent said there was a K-3 bilingual program in X school, his word had to suffice. Likewise, documents were taken at face value. However, when two interviewees from the same district, for example the Superintendent and the Title VII Director, had differing perceptions or disagreed, both were considered and reported if appropriate.

In a very few cases interviewees did not wish to have their name cited: their wishes were followed. However, the vast majority had no objections. The field aspects of this study were most informative and pleasant. With only two exceptions treatment was cordial and cooperative.

With some few exceptions, every district desegregated by court action or of their own volition in California and Arizona was visited. A few others were included because of special circumstances, programs, or reputation. In Arizona the principal investigator and the research associate interviewed in; Tempe, Tollison, Phoenix and Tucson. In California, both were involved in the study of Stockton. The principal investigator alone interviewed in San Diego, Chula Vista, Pomona, Pasadena, Riverside, San Bernardino, Santa Barbara, Oxnard, Ventura, and to a limited degree in Los Angeles. Unfortunately, due to lack of time and resources, Fresno, San Francisco, and Berkeley were slighted. However, written material was available. This field study was invaluable in formulating the typology and studying implementations.

The three aspects of the study, analysis of the two mandates, problems of implementation, and organizational plans are reported in the body of this report. Section III, the Ambiguous Mandate; Section IV, Problems of Implementation; and Section V, Organization of Bilingual Education Within Desegregated Schools each deal with one of the specific objectives plus conclusions and recommendations. The bibliography contains specific references and a number of items that were particularly important but not directly cited.

The study represents an overview of a confusing and ever-changing situation, at best it demonstrates that very little is known about implementation and that great confusion exists. In a sense the present report provides enough descriptive and analytical material to perhaps permit the intensive objective study of one or two "model" districts.

### The Staff

Thomas P. Carter, Ph.D., served part-time through the duration of the first semester and full-time in the spring, has an established reputation in the field of minority group education and research. He has directed a number of studies and contributed to the conceptualization, design, implementation, and administration of others. Almost all his research focuses on the study of the school as a social institution and its role and function with culturally and linguistically diverse populations. The documentation, and analysis of institutional racism is one of his consuming interests. Dr. Carter has applied his knowledge in this field through his participation with the U.S. Commission on Civil Rights; as an expert witness in numerous federal cases involving school discrimination; and in his teaching and writing. In addition to work in research, he administered a number of projects in the United States, worked in South America for the federal government, and served for four years as Dean of Education at California State University, Sacramento. As Project Director he assumed the leadership role in research as well as in the administration of fiscal and personnel matters.

The Research Associate position was held by Roberto Segura, Ed.D. As in the case of the Director, Dr. Segura brought to the task both administrative and academic expertise. He is a recognized and respected authority on bilingual cross cultural education. He is in his third term as National Chair of the National Institute for Multi-Cultural Education to develop and coordinate programs and activities related to the education of Mexican Americans. Presently, he directs one of the largest ESEA Title VII graduate bilingual fellowships in the nation. He also directs a graduate level migrant education program funded by the state. Unfortunately, Dr. Segura was unable to arrange his schedule to devote the time anticipated to this project. Unforeseen events seriously restricted his involvement. While he participated in a limited

amount of field study he was not involved in other aspects. The Principal Investigator took full responsibility for the literature review, most of the field study, and the conceptualization of the study, and the writing of the final report.

The Research Panel, or consultants to the study, were Dr. Gary Orfield, Professor of Political Science, University of Illinois; and Dr. Beatrice Arias, Assistant Professor of Education, University of California, Los Angeles. Unfortunately, Dr. Orfield was only able to participate in the early meeting to review and reconceptualize the study. In the last phases of the study another meeting of consultants was called. Peter Roos, Staff Attorney at MALDEF and an authority on the legal aspects of bilingual education, and Dr. Charles Leyba of California State University, Los Angeles, an educational authority on the subject participated. Fortunately, Oscar Uribe of N.I.E. was also able to attend. During the duration of this study both Drs. Duane Campbell and John McFadden of California State University, Sacramento provided helpful assistance and participated in the research panel meetings. The author is appreciative of their assistance and for the participation of Dr. Segura in the initial phases of the study as well as at the last research panel meeting.

Particular appreciation is due Ms. Edie Oldfield who had the tiresome task of converting almost unintelligible script into a well-typed manuscript.

### Definitions

Early in the study it became painfully obvious that words were being used imprecisely in the literature as well as by practitioners in the field. Governmental, legal and educator jargon seemed to mutually compound the problem and confound the intellect. Words appeared to obscure meaning rather than enhance understanding. For these reasons every effort is made to use the language of desegregation and bilingual education in very explicit ways. To this end a glossary of definitions is included here. For the purposes of this study the following words or phrases have their specified meanings.

**BARRIO.** The Spanish word for neighborhood. This word sometimes implies slum or ghetto, however, in this study no such meaning is intended. Regardless, most *barrios* in the Southwest are lower-middle or lower class neighborhoods.

**BILINGUAL BICULTURAL EDUCATION.** Is bilingual education as defined in which the curriculum is drawn from two cultures: one of which is the dominant and the other is the culture of the non-English speaking children.



**BICULTURAL EDUCATION.** Any organizational arrangement that incorporates two cultures as the basis of the curriculum.

**BILINGUAL EDUCATION.** The generic term covering many types of programs and variations of "philosophy." The simplest but most all-inclusive meaning is: a school program in which the curriculum is taught in two languages, one of which is English.

**CHICANO (Mexican American).** *Chicano* is used interchangeable with Mexican American.

**COMPREHENSIVE EDUCATIONAL PLAN.** An organizational plan to desegregate a school system that involves and incorporates numerous other educational aspects. It is usually required by a court but may be district initiated.

**"CRITICAL MASS."** A phrase applied by Arias to the minimum number (some 20) of LES/NES students of one dominant language required to establish a class.

**DESEGREGATION.** The judicial or school board action to end racially or ethnically segregated schools. The remedy or comprehensive plan to implement the action varies greatly. What is a desegregated system or school depends on the nature of the plan or remedy.

**ENRICHMENT BILINGUAL BICULTURAL EDUCATION.** A program whose goals or objectives are to enhance the cultural knowledge and language ability of non-linguistic minority (Anglo and Black) students. Bilinguality, biliteracy, and biculturalality are the objectives for all students, but especially Anglos. An enrichment program is two-way bilingual education, both ethnic groups are taught two cultures in two languages in the same setting. Enrichment as defined is impossible in an imbalanced setting.

**ETHNIC BALANCE (RACIAL BALANCE, ETHNIC/RACIAL BALANCE).** A school whose ethnic and racial composition approximates the ethnic and racial composition of the district. A school that is racially and ethnically representative of its district. For example, a school that is one-third Black, Mexican American and Anglo within a district of similar composition is representative or balanced. Usually employed to describe a desegregated school.

**ETHNIC IMBALANCE (RACIAL IMBALANCE).** The lack of ethnic balance. For example, a school that is non-representative of its district: a school with an ethnic/racial composition that is greater than the 15 or 20% allowable difference between it and the district's ethnic composition.



**ETHNIC ISOLATION (RACIAL ISOLATION, ETHNIC/RACIAL ISOLATION).**

A concept developed and employed mostly in California that describes a school where one ethnic or racial group predominates. For example, in a one-third Black, Mexican American and Anglo school district an individual school that is 90% single or combined minority would be considered isolated. Courts often employ this concept in terms of establishing a ratio (e.g., 90/10, 70/30) to describe minority/majority percentages tolerable within a school the court defines as desegregated.

**ETHNICALLY REPRESENTATIVE.** (see ethnic balance)

**HISPANIC.** The generic term including all populations of Spanish, Central or South American origin.

**ILP.** Individual Learning Plan.

**IMMERSION PROGRAM.** An intensive foreign language program in which instruction is given and the curriculum carried in that language. For example, the St. Lambert project in Canada is a French Immersion Program for English-speaking children.

**INTEGRATED SCHOOL.** Used interchangeable with desegregated school.

**LESA.** Limited English Speaking Ability is a term used interchangeable with LES/NES.

**LES/NES.** Is the acronym for limited English speaking/non-English speaking. Used in this paper interchangeable with LESA, and LEP.

**MAINTENANCE PROGRAMS.** A bilingual bicultural program whose planned outcome is reinforcement of the other language and cultural tradition. However, English proficiency is also desired. For example, a Spanish maintenance program hopes to keep vital the language and Mexican culture.

**MEXICAN AMERICAN (Chicano).** A person who is a decendent of original Spanish/Mexican settlers or more recent immigrants from Mexico. An individual may himself or herself be an immigrant from Mexico. Although imprecise the term *Chicano* is used interchangeable with Mexican American in this paper.

**MONOCULTURAL EDUCATION.** An organizational arrangement that incorporates one culture as the basis of the curriculum. For example, the average American school incorporates "mainstream" culture as the almost exclusive basis of the curriculum.

L.E.P. (Limited English Proficiency). LEP is used interchangeably with LES/NES.

MULTICULTURAL EDUCATION. Any organizational arrangement that incorporates many cultures in the curriculum. In practice usually mono cultural education with some slight amount of curricular drawn from other cultures. Often a token inclusion of folkways, heroes and holidays from other cultures or nations.

PHILOSOPHY. In this paper used to refer to organized thinking about program goals and objectives. It usually takes the form of a goal statement and justification and rationalization for goals and programmatic aspects to reach them.

RACIAL BALANCE. (see Ethnic Balance.)

RACIAL ISOLATION. (see Ethnic Isolation.)

REMEDY. A court-ordered organizational scheme or plan to desegregate a school system.

RESTORATIONIST PROGRAMS. (Revitalization programs.) A bilingual bicultural program the objective of such is the restoring or revitalization of Spanish and Hispanic culture (as variously defined).

SEGREGATION (Segregated School). The state of being legally designated as not desegregated. This ambiguous and faulty definition reflects the real situation. There is no clear-cut legal definition, however, segregation implies majority to minority group disproportion and some state action or inaction to cause it.

STRUCTURAL INTEGRATION (Social Integration). Is the idea of equal participation within all levels and activities of a social system. In this study it means the condition in which a group, for example Mexican Americans, participate in the society at levels similar to the majority group. For example, Mexican Americans would be structurally integrated society if the percentage of Mexican American lower-, middle- and upper-class was the same as among Anglos. Or, if within a school, Mexican American participation in sports, student government, extra-curricular activities, and ability tracks was similar to Anglo percentages.

TRANSITIONAL PROGRAMS (Transition-compensatory). A bilingual program whose primary objective is proficiency in English for LES/NES children. To accomplish this programs emphasize English and its teaching, while employing the children's home language as a helpful tool (or "bridge") to learning English. Curricular content from the "home

culture" is minimally involved for similar reasons. Such an approach is based on assumptions of the "language deficiency" as the principle cause of low academic achievement and on compensatory techniques to overcome it.

**TWO-WAY BILINGUAL PROGRAM.** Is one in which two linguistic groups of children learn in two languages. For example, Mexican American **Spanish speakers** and Anglo English speakers learn in **Spanish and English** in the same program class or school (see Gaarder, 1967).

Additional words and phrases are defined in context.

### SECTION III

#### The Ambiguous Mandate

Whatever action or inaction courts, school districts or communities take to implement desegregation and bilingual education is inexorably tied to their interpretation of federal and state mandates. The possible conflict of directives emanating from two differing ways of approaching equal educational opportunity is an important consideration. The mandate, emanating mostly from the federal judiciary, to desegregate may clash with a related insistence on special efforts to aid children with limited ability in the English language. Brown clashes with Lau: or, so it seems to many.

In differing ways and with differing emphasis, both desegregation and bilingual education attempt to equalize access, input and benefits of schooling. Desegregation's major emphasis is the equalization of opportunity through providing equal access. With equal access, it is assumed equal inputs of educational resources will be forthcoming. The implementation of Lau, compensatory education programs, and P.L. 94-142 (aimed at the needs of exceptional children) emphasize the concept of educational benefit. Equal access and inputs may not be sufficient: children are to be treated unequally in order that they can profit equally or benefit from school. If successful, such programs would eliminate the "disadvantage" certain children bring to school and result in the elimination of differences attributable to their "disadvantage" at exit. As Professor Herbert Ried is reported to have said: "Education equity means nothing if it does not mean equality of attainment" (Editor, 1977b, pp. 24-25). Efforts to attain these three goals are creative; one building on another. They can be contradictory. They often suffer from a dedication to justice in principle and a concomitant frailty of implementation.

This section attempts to sort out the major points of confusion and possible contradiction between desegregation and bilingual education. To this end no comprehensive history or examination of either is provided. The literature is replete with many excellent legal and social analyses of the two educational movements. What is clearly lacking in the literature is a careful description and analysis of the points at which the two mandates meet and interact: the points at which they may be ambiguous or in conflict.



Such areas of confusion and possible conflict are often utilized by those who's desire is the implementation of neither Brown nor Lau. The assumed mixed mandate is used to thwart or dilute both desegregation and bilingual education: often educators and conservative community leadership contend that the two can not be simultaneously implemented. They regularly imply the goals as well as implementation techniques are contradictory: arguing that Brown fosters social integration while Lau encourages separatism. As Orfield sees it (1978, p. 198): "These policies contributed to powerful opposing impulses--one toward integration, the other toward cultural and linguistic particularism." Or, as one California superintendent put it: "I feel heir to two natural antagonisms." This section examines the possible basis for such interpretations that are inherent in judicial decisions and legislation.

In reality the question of incompatibility may be irrelevant. Bilingual education in a desegregated setting may be a moot question if desegregation follows established trends. Desegregation is increasingly implemented in ways that encourage racially imbalanced schools and thus facilitate bilingual education as a program exclusively for "ethnic" or linguistic minority children.

### Equal Educational Opportunity

Very few, if any, Supreme Court decisions have had greater social and political impact than Brown v. Board of Education (1954). The enunciation of the principle of "inherent inequality" and the renunciation of separate but equal treatment based on due process guarantees led to the eventual abolition of legalized (*de jure*) racial discrimination. The unanimous decision in Lau v. Nichols (1974) had very important but less far-reaching implications. The repercussions of these two cases are still being felt: this is especially true in areas where there exist large numbers of non-English speakers who are segregated within school districts.

Brown and its prodgeny--desegregation. The Brown decision reversed the long-standing Plessy v. Ferguson (1896) ruling sanctioning the principle that Black and White could be treated separately as long as they were treated equally. The result of the 1954 decision was the eventual abolition of legalized dual school systems and a multitude of other instances of *de jure* racial discrimination.

Prior to 1954 a number of lower federal courts had ruled similarly on the basis of constitutional guarantees of "due process and equal protection." Three cases are of particular interest: these involved early attempts by Mexican Americans to overcome ethnic segregation that had gained the "force of Law" in Tollison, Arizona; Westminster, California; and

Bastrop County, Texas (Delgado, 1948; Gonzalez, 1950; Mendez, 1946).

The Brown decision evolved into numerous others that further developed the due process principle as well as approved ways to implement desegregation. These included Swan v. Charlotte-Mecklenburg (1969) that extended broad powers to Federal district courts to eliminate all vestiges of state-imposed segregation; which included the right to fashion remedies involving racial percentages and busing. Outside of the South the court upheld the right to develop system-wide educational remedies including busing in Denver (Keyes, 1973). Through these and other cases Federal courts were empowered to end legally sanctioned or school district "intended" racial segregation (U.S. Commission on Civil Rights, 1979a, pp. 3-4):

Of the two states of our focus, only California became clearly involved in efforts to desegregate schools. Two major desegregation cases, Los Angeles and San Bernardino, are being carried in state courts. As early as 1966 California surveyed its schools to determine those in ethnic balance: a school with a 15% variance to district ethnic/racial composition was considered balanced (California State Department of Education, 1967). Even earlier, 1962, State Board policy corroborated the intent and reasoning of Brown and indicated wherever and whenever feasible preference would be given to districts who acted to desegregate (California State Board of Education, 1962). Running counter to such State efforts was "Proposition 21" of 1972. This prohibited the assignment of a student to a school on the basis of race, creed, or color. The California Supreme Court overturned this section of Proposition 21 as unconstitutional in regards to districts with either *de facto* or *de jure* segregation. The Court also struck down the concept of racial balance that involved reliance on specific percentages. This step caused California courts, state agencies, and educators great difficulty in establishing a definition of a "segregated school" and contributed to the emergence of the new and increasingly popular concept of racial isolation. For instance, the State Department of Education recently required districts to submit "plans to alleviate racial and ethnic segregation of minority children" without providing a definition of a "segregated school." However, California did require reporting every four years and the development of district-wide plans to alleviate segregated schools, while impotent the directive did cause districts to at least publicly concern themselves and the community with segregation.

The legal status of other non-Black, minority groups is becoming increasingly clear. Two cases, Cisneros v. Corpus Christe (1972) and Keyes v. School District No. 1 in Denver (1973) contribute significantly. Cisneros found Mexican Americans to be an identifiable minority group by nature of

their social and cultural characteristics: that the group suffers prejudice and discrimination and is politically powerless, generally finding the Mexican American population to be socially subordinated. This and two other cases (Ross v. Eckels and "Austin II") established the principle that those of Mexican origin are not legally White and can not be mixed with Blacks to achieve desegregation. The separate minority status of Mexican Americans must be protected. The previous practice of segregating Chicanos due to their lack (or assumed lack) of English had resulted in a "dual system" of education. Under these rulings school officials must treat Mexican Americans as a separate group while still considering their language needs (see Rangel, 1972). In developing remedies courts have come to consider Hispanics as a minority even if no finding of *de jure* segregation exists.

It is generally assumed that other minority groups fall under the same legal consideration. However, each case is different and depending on circumstances an establishment of a group's legal status may be necessary.

Regardless of what appears to be rather clear definition of "minority status," courts continue to treat Hispanics differently in various situations, leading Fernandez to inquire (1977, p. 72):

How are Hispanic pupils to be counted--as white, non-white but not Black, or as a distinct racial/ethnic group; e.g., Chicanos, Puerto Ricans, Cubans, etc? The precedents, as per court decisions to date, are ambiguous at best, and sometimes downright confusing. How can this issue be clarified? Can it ever be, given the unevenness of treatment which judges provide?

The ambiguity reflects confusion concerning two legal issues. The treatment of Hispanics in desegregation trials and in the remedy depends on whether or not "intent to segregate" against the group has been legally established. If indeed, the court found the school district had by their actions (and probable inactions) caused Hispanic segregation, the group would be specifically treated. Some attempt to alleviate the negative results of such action would be undertaken. In the Milwaukee case no "intent to segregate" Hispanics was established in spite of efforts to intervene by community groups. Thus the following "weak" statement by the judge (Baez, 1972):

Nothing in this order is intended to prevent the Superintendent from designating Hispanic students, Native Americans, and other minority students as separate minority populations and according them priority over other non-Black students in assignment to schools with programs designed to meet their special needs.



Findings of the "intent to segregate" and the varying definition of what constitutes legal intent constitutes the major legal concern.

However, from the perspective of educators and social scientists the major concern, especially in California, is the failure to establish a clear and binding definition of segregated or desegregated schools. The issue arose in almost every field interview of a school official. The definition becomes crucial and a prime determinant of the remedy or comprehensive educational plan. The failure to clearly define reflects (and encourages) the current national trend, "...the issue of school desegregation is being transformed from a quest for social justice and interracial understanding to a 'practical' search for ways to improve 'basic' education and avoid conflict" (Hawley, 1979, p. 2). Such a trend reflected in educational plans can facilitate the implementation of bilingual education or similar programs. The movement away from ethnic/racial balance to less rigorous definitions of desegregation provides increasingly easy ways to implement bilingual education and may be making moot any concern for conflict or contradiction between the mandates of Brown and Lau. The lack of universally accepted standards to define desegregation provides an easy escape from the national intent to desegregate.

Explanation of this point is necessary. Historically the definition of a desegregated school has hinged on the principle of racial/ethnic balance. Balance and the social science concept of "representativeness" are equivalents: a balanced school is one that reflects the ethnic racial composition of the district. Thus a balanced or desegregated school is one whose racial ethnic percentages approximate those of the district as a whole. How closely a school approximates the district composition is defined in "percentages of variance." Originally a 15% variance one way or the other was viewed as acceptable. A desegregated school was thus one whose ethnic composition was within 15 percentage points of its' district. California originally used this approach and percentage. Later, courts and O.C.R. have moved toward a 20% variance. HEW's "...Office for Civil Rights, generally recognizes school enrollments within 20% above or below the total minority enrollment in a school district as indications of 'racial balance'" (Klumpe, 1976, p. 18). California has dropped the principle entirely and its courts are moving away from desegregation on the basis of balance toward ethnic racial isolation.

Isolation is on a continuum toward increasingly less rigorous definition and thus less drastic changes in the implementation of desegregation. This reflects the national trend as described by Hawley. The isolation concept grew out of California's difficulty with Proposition 21 as well as with previous federal efforts to define schools qualifying



for financial aid in ending segregation. The Emergency School Aid Act defined isolated schools as ones with a 70/30 ratio of majority to minority or vice versa. Isolation is a ratio unrelated to the community ethnic composition and supposedly represents some "ideal" percentage and ratio which will eliminate or minimize the negative social and educational aspects of schools with predominantly one racial or ethnic group.

California courts are employing isolation in the San Bernardino and Los Angeles desegregation cases. Los Angeles is presently operating on a 70/30 ratio as the apparent result of being unable to attain their earlier objective of 60/40. San Bernardino's proposed plan would meet an 80/20 requirement. However, this may change as the judge grapples with definitions. In some federal cases a racial balance concept appears to underly the court's thinking. Houston's "voluntary plan" following the court guidelines which permitted the city to count a school as desegregated "...if only 10% of its pupils are from a minority race. Ten percent gives you enough youngsters for an interaction factor: If you're looking only for equal racial numbers [balance], then forced busing is the only way to achieve that," according to the district superintendent (Tromley, 1977a, p. 93). The movement toward isolation and away from comparisons to a district (or metropolitan) ethnic/racial composition is gaining impetus. Isolation is the operational definition employed by most districts. It will be, without doubt, the preferred definition of most districts preparing a "plan" for the California State Department of Education.

A corollary problem associated with the isolation definition is whether or not to combine minority groups or to treat them as separate. For example, in a hypothetical large urban district of equal percentages of Blacks, Mexican Americans, and Anglos, a 70/30 isolation ratio could result in 30% majority and 70% Mexican American or 70% Black. Or, if combined some possible variation between zero and 70% could result for the minority group. The clear stipulation of the court's (or district's) intention in this circumstance becomes of primary importance. Under such a situation it can be crucial that Hispanics not be "lost" within the Black population. This is particularly important to the organization of bilingual programs. In the Milwaukee case, Hispanic community group pressure forced Board commitment to (Baez, p. 46):

1. Hispanic pupils need to be considered an ethnic/racial minority group, and an identifiable class, forming part of the 'minority group' population of the Milwaukee Public School System.

2. The combined numbers of 'minority group pupils' shall be kept within the ratios set by the court order.

3. Schools with Hispanic pupil enrollment constituting most or all of the minority pupil population shall be considered desegregated if the percentage of minority pupils fall within those set by the court.

The Board's third point reiterates the court's decision to define on a basis of isolation ratio, while the first two accept Hispanics both as a minority and a separate class.

The movement toward increasingly less rigorous definition of segregation and thus implementation of desegregation incorporates the court's problem with "intent." In the Tucson case (*Mendoza v Tucson*, 1978) the court closed only those schools where legal intent to segregate was clearly established while others equally isolated or imbalanced were unaffected. Predominantly Mexican American schools were left open with unclear educational futures (see Section IV). If the demonstration of "intent to segregate" requires clear and unequivocal proof in board action, then little change in predominantly Mexican American schools will probably be forthcoming. However, Roos (Sacramento, 8-2-79) reports that the current case in Austin, Texas may encourage the return to earlier principle of intent "...that focus on the segregated results of board action."

Another and extremely interesting approach that appears to seriously dilute earlier desegregation efforts is being proposed in San Bernardino (*National Association for the Advancement of Colored People v. San Bernardino*, 1979). New dimensions are being added to the desegregation definition; the district explained the situation in this manner (Proposal for the Multidimensional..., 1978, p. 1):

Following the approach of the [California] Supreme Court the duty of the District would be to make reasonable efforts to secure reasonable diversity in the composition of the student body and the staff or to make reasonable efforts to remedy the harms of segregation. Student diversity considers ethnic/racial backgrounds, socioeconomic status and linguistic preferences. Staff diversity considers the percentage of staff in a particular school of each racial/ethnic group. Measurable harms of segregation would include inequality in school buildings and equipment, identification as a "white" or "minority" school, and identification as a school having an inferior educational program. District goals are to be defined at all levels and the goal of the District would be to move toward optimal diversity and minimal harm in all racially isolated elementary schools and the highest score possible in each particular area.

A school would satisfy the [desegregation] requirements of the Supreme Court if it:

1. Met the existing 80/20-20/80 requirement or scored at least 12 points on...Measures of Racial and Social Diversity; or
2. Received a satisfactory evaluation of its efforts to mitigate the harms of segregation. (Emphasis added)

According to this plan four levels of Racial and Social Diversity (from "optimal to minimal") are to be determined by evaluation. These are obtained by the weighting of factors including: 1) racial/ethnic diversity of students; 2) socioeconomic status of students; 3) certified staff ethnic/racial diversity; 4) non-certified staff ethnic and racial diversity; and 5) linguistic diversity. This equation would permit an objective definition of "social and racial diversity" to be acceptable instead of the established 80/20-20/80 combined minority/majority definition of a "desegregated school." The court has not ruled on this method of determining diversity.

The introduction of social class or social status to the desegregation equation is interesting and potentially important. It too can be viewed in terms of isolation or balance. To date the courts have not directly considered discrimination on the grounds of social class. Levine and Havinghurst continue (1977, p. 274):

...judicial opinion in school desegregation cases has focused on the elimination of vestiges of past practices that denied minority children the chance to attend schools with White children. Case law on this issue seems to have evolved to the point where minority students have equal educational opportunity in constitutional terms so long as they can attend schools that are not more than 90% minority in racial composition. It is immaterial that many such schools are largely ineffective partly because they have a preponderance of students of low socioeconomic status or that big-city desegregation plans that have been found acceptable by the courts and federal executive agencies frequently tend to generate a still larger increase in the proportion of students attending predominantly low-status and minority schools. The Constitution has been "satisfied" by a legalistic effort to reassign and transport pupils in such a way as to allow attendance at schools with a small (and frequently temporary) reduction in the proportion of minority students.



The influence of San Bernardino in this regard may be encouraging Pasadena and Santa Barbara to consider S.E.S. Pasadena is submitting a desegregation plan that, while related, is substantially different in ultimate goal. Pasadena hopes to balance each school socioeconomically as well as racially and ethnically. The District schools are to be structured in such a way that race/ethnicity and social class approximate the community (Wyatt, Pasadena, 6-1-79). Pasadena plans to use social class factors to desegregate through balance: San Bernardino uses the concept to define isolation. If Judge Real does not accept the Pasadena plan, it may be implemented on a voluntary basis; in which case strong community resistance is predicted (Wyatt). Santa Barbara merely considers S.E.S. in justifying school closures (see Section IV).

Regardless of present judicial reaction, there is little doubt emphasis on S.E.S. will continue. It is a clear recognition of the strong positive relation between social class factors and school achievement/attainment. The correlation (assumed to be causative) between social class and racial isolation (Carter & Segura, 1979; Orfield, 1975) is also obvious and remedies can be expected.

Socioeconomic balance appears, nevertheless, to be a prerequisite for the successful operation of many big-city social institutions, including the public schools. Major national studies on academic achievement indicate that socioeconomic integration is more important than racial integration in affecting achievement levels, and yet desegregation plans have historically given little attention to maintaining, much less achieving, a favorable socioeconomic mixture. Perhaps this is one reason that research does not consistently show that desegregation is associated with gains in achievement by minority students. (Levine & Havinghurst, 1977, p. 273)

The inclusion of the socioeconomic "class" of children into the desegregation definition is truly an important step, however, the crucial consideration is whether the result will be mixed social classes within racially balanced schools or mixed social classes within predominantly one-race schools. Both have implications for bilingual program development: in San Bernardino's case, the implications are obvious; separation of Mexican American children with limited English ability would be facilitated. How the implementation of S.E.S. considerations will influence the implementation of bilingual education for LES/NES children and minorities can only be conjecture at present. The outcome of present court cases should be followed carefully.

The second alternative proposed by San Bernardino is an



even greater departure from previous desegregation definitions. If alternative number two is accepted and holds desegregation will be defined as the "alleviation of the harms of segregation." The District proposed (Proposal for Multi-dimensional..., 1978, p. 2):

For those schools striving to meet the alternative criteria, programs will be evaluated along three dimensions dealing with the identity of the school: identification by 'reference to the quality of school buildings and equipment;' identification as a 'White' or 'minority' school; and a school perceived as having an 'inferior educational program.'

Data will be collected through the use of three scales, one to measure each of the above aspects of a school's place in the community. Data will be tabulated, scored and reported separately for each group surveyed. The scale for 'Quality of School Buildings and Equipment' is based on a survey of the facilities at each site. The two scales measuring the 'reputation' of the school require securing information from a sample of parents and/or members of the community.

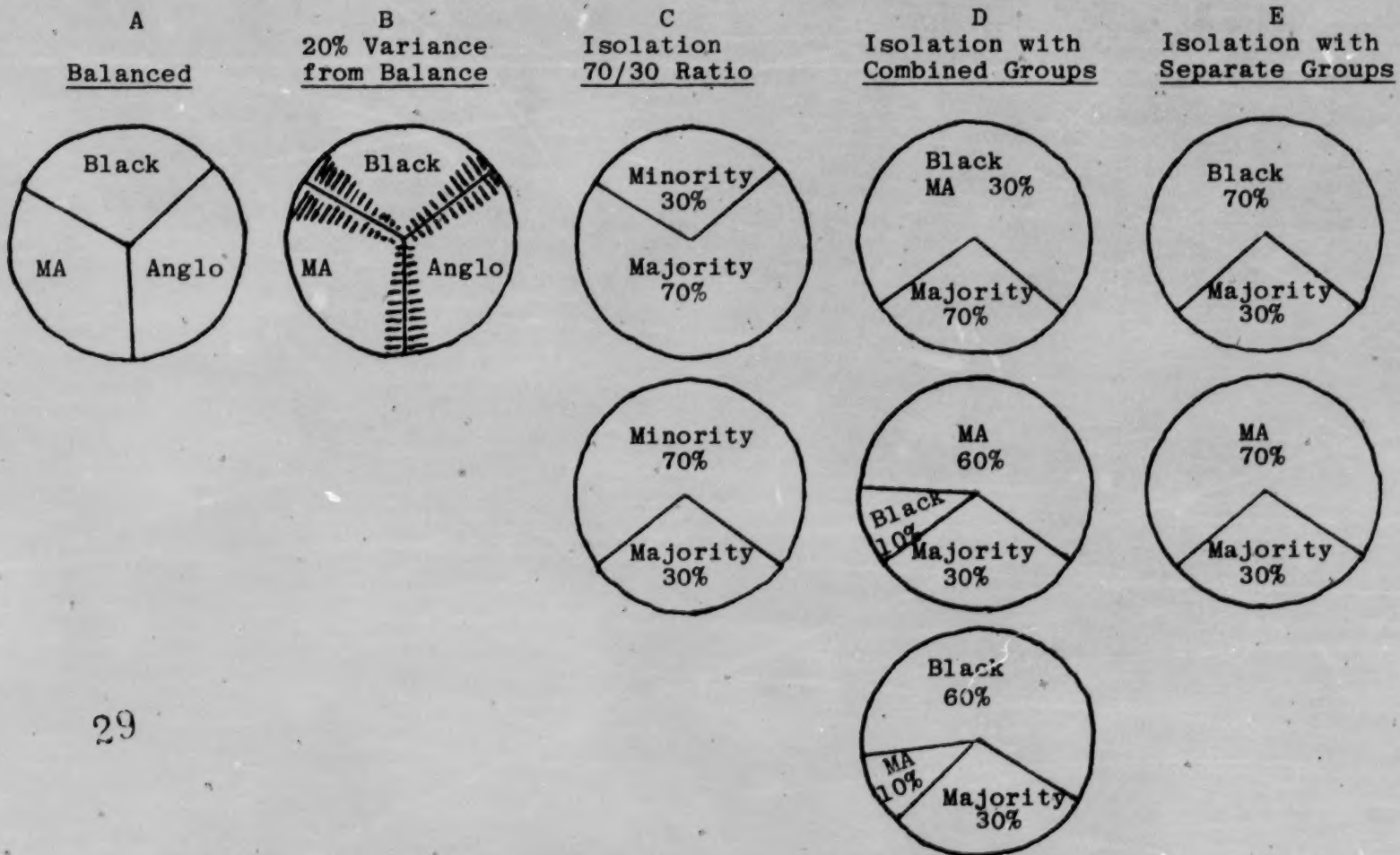
Careful examination of this method of evaluation indicates it is partially, and can be almost entirely, dependent on subjective evaluations and perceptions. Regardless of the problems inherent in the method of evaluation, and there are many, the major concern must be as to its substance. The move to eliminate the assumed "harms" or ills of segregation and racial/ethnic (and social class) isolation without eliminating the isolation itself is a major policy departure: one open to serious question. Can the symptoms of segregation be eliminated without eliminating the assumed causes; can equal educational opportunity be provided in circumstances assumed by law and social science to preclude it. Can separate be constitutionally equal?

It appears San Bernardino's desegregation plan intends to emphasize the "harms of desegregation" approach. In an April, 1979, memorandum to the Board of Education, the Superintendent states: "The District will continue to give top priority to programs which alleviate the harms of racial isolation." A careful reading of their proposal leaves little doubt that this means exactly what it implies. The implementation of such a plan could facilitate bilingual education within predominantly, or perhaps totally Mexican American schools in San Bernardino.

Table I graphically presents the movement away from the generally held position that desegregated schools were

Table I

Ethnic and Racial Composition of Desegregated Schools  
Employing the Concepts of Balance and Isolation



ethnically and racially balanced to the concept of the ethnic isolation. In both examples the hypothetical community involved is one-third, Black, Hispanic and Anglo.

From a point of view of establishing educational programs geared toward the special needs of LES/NES children it is obvious that D.2 (or variations of it) or E.1 present the least logistical difficulty. In these two alternatives Mexican Americans are the largest groups and therefore, if bilingual education is the program, LES/NES youngsters are, or could be, in greatest numerical concentration. In fact, with careful planning and student transportation it is conceivable that all the Mexican American population in D.2 and E.1 could be limited or non-English speakers. Table I presents a 70/30 ratio for isolation. It would be even easier to implement programs employing an 80/20 or even 90/10 ratio.

Movements away from ethnic balance and toward isolation are usually couched in terms of "...providing a quality educational experience in an integrated setting instead of merely mixing bodies." The obvious appeal of such arguments is understandable. Many alternative school approaches including bilingual magnets are so fostered. Unfortunately, magnets usually fail to approach ethnic balance or even to eliminate ethnic isolation as variously defined (see Section V for full discussion of magnet school approaches).

Whether a given program of quality education reaches its objectives may be irrelevant. In the Milwaukee desegregation case the judge rather categorically denied the district's position that ethnic isolation was essential in order to provide quality education (Baez, p. 37):

The fact that substantial segregation was considered by the school authorities to be educationally necessary and a prerequisite to quality education does not make it legal. The Constitution does not guarantee one a quality education; it guarantees one an equal education, and the law in this country is that a segregated education that is mandated by school authorities is inherently unequal.

District caused ethnic imbalance even to foster quality education can be a major legal concern for those designing comprehensive educational plans, especially those incorporating magnets.

The trend is clearly away from substantial changes in organization to implement desegregation. The more desegregation departs from the principle of ethnically balanced schools in favor of less rigorous approaches, the easier it will become to implement programs to solve the special "needs of children." This is particularly true in programs where special needs are concentrated within ethnic groups

as is the case with bilingual education.

Lau and bilingual education. The unanimous 1974 Supreme Court decision in Lau v. Nichols was not based on constitutional guarantees, but rather upheld the authority of the executive branch to issue and enforce guidelines based on equal educational opportunity legislation (Avila & Godoy, 1979; Grant & Roos, 1979; Teitelbaum & Hiller, 1977a, 1975a; U.S. Commission on Civil Rights, 1975, 1979). This famous case established the legal foundation for special programs for non-English speakers: speaking for the Court, Justice Douglas found;

Under...[California] standards there is no equality of treatment merely by providing students with the same facilities, text books, teachers and curriculum, for students who do not understand English are effectively foreclosed from any meaningful education.

Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the educational program, he must already have acquired those basic skills is to make a mockery of public education. We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful. (Cited in Supreme Court ruling on Chinese children, 1974, p. 33)

Equal treatment is unequal: the benefits derived from school for Chinese-speakers are less than those who come equipped with fluent English.

The Court specified those sections of the Civil Rights Act of 1964 on which it based its decision; they included:

1. The prohibition of discrimination "on the ground of race, color, or national origin" in any program receiving Federal support;
2. The affirmation of the authority of HEW to "promulgate regulations prohibiting discrimination in federally assisted school systems;"
3. The affirmation of HEW guidelines specifying that such school districts rectify the language deficiency of children "with language deficiencies;"
4. Defined discrimination, intended or not, in regard to academic programs, and affirmed the "affirmative steps" to teach English found in the "May 25th memorandum" (Pottinger, 1970); and



5. The prohibition of "ability grouping or tracking employed...to deal with the special language skills needs... and specified that a special grouping must be designed to reach its objective as soon as possible and must not operate as an educational dead-end or permanent track."

Clearly the Court established that Federally assisted school districts have contractual agreements to abide by the Civil Rights Act of 1964 and all requirements imposed by it. The Court concluded "Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination" (p. 34).

Pegardless of basis, the Court's ruling required that Federally assisted school districts rectify the inability to speak English. Treating linguistically unequal children equally was to end: a case for the equal benefits argument was made by the nation's highest authority.

The May 25th memorandum was a landmark in the march toward the recognition that uniformity is not equality for linguistically different children (Roos, 1979, p. 2). According to Roos, the

...memorandum is significant for three reasons. First, it is a legal mandate to provide special assistance to children with English-language deficiencies; it thus differs from a voluntary plan that an enlightened school district may adopt. Secondly, the mandate affects almost every school district in the country; at the present time, virtually all school districts are recipients of federal funds. It should be noted that the mandate is dependent not on the receipt of categorical bilingual funds such as those available under Title VII but on the receipt of any federal money.

Neither the Supreme Court nor the "memorandum" defined the nature of educational programs to teach English. In order to clarify this HEW relied on the existing legislative support for bilingual instruction and a special task force's recommendations.

During the early seventies an increasingly clear mandate favoring bilingual education over ESL emanated from state and federal legislation. According to Roos (pp. 6-7):

This legislative recognition of the effectiveness of bilingual instruction is clearly featured in the Federal Bilingual Education Act. The preamble to that Act states that Congress declares it to be the policy of the United States

to encourage the establishment and operation, where appropriate, of educational policies using bilingual education practices, techniques and methods. A program of bilingual education is defined by the Act as one in which there is instruction given in, and study of, English and, to the extent necessary, the native language of the children of limited English-speaking ability, to allow a child to progress effectively through the educational system. This suggests that ESL programs will be funded, but it is clearly contemplated that if a LESA student is not able to participate effectively in the educational program of his school system solely with the help of an ESL program, federally funded bilingual programs will be used. [The House, in reporting out the bill, articulated its understanding of bilingual education as involving:]

...the use of two languages, one of which is English, as a media (sic) of instruction in a comprehensive school program. There is evidence that use of the child's mother tongue as a medium of instruction concurrent with an effort to strengthen his command of English acts to prevent retardation in academic skills and performance. The program is also intended to develop the child's self esteem and a legitimate pride in both cultures. Accordingly, bilingual education normally includes a study of the history and cultures associated with the mother tongue. (emphasis added)

While it can be argued that the definition of bilingual education was, and may still be, confused and imprecise, many legislators and educators of the period were strong advocates. This early commitment is, however, weakening.

Interviewing demonstrates a growing public awareness of current negative evaluations of bilingual programs, making Orfield's statement of 1978 even more poignant today (p. 22): "If evaluation studies continue to undercut...[earlier] conclusions the Supreme Court's directive in Lau to 'do something' might give way to court directives to 'do something else.' Under Lau there is no right to bilingual education unless it helps children function better in English classrooms."

In 1975, HEW formed the Lau Task Force composed of knowledgeable authorities on language instruction. This group was to formulate OCR's remedies for "...eliminating past educational practices ruled unlawful under Lau v. Nichols:" the so-called Lau Guidelines (Office for Civil Rights, 1975) whether this document is a legal mandate for specifications or merely a set of recommendations is unclear.

It is generally believed to "have the force of law" by agencies charged with reviewing districts' compliance with the Civil Rights Act. The Lau desegregation centers, the Office for Civil Rights and ultimately, the Department of Justice act on the basis of its legitimacy. However, one California school executive (in a desegregated district) argued vehemently that the document represented only HEW "recommendations" and that all that was required was that "...something be done to aid non-English speakers." Abetting the confusion is the fact that very little action to curtail federal support to districts found to be out of compliance with guidelines has been taken by OCR.

Many reasons exist for lack of HEW enforcement. Regardless, some school executives see this as, at least partially, attributable to a lack of a firm legal foundation to the Guidelines. This is substantially reinforced by a position paper published and widely circulated by the California Association of School Administrators (ACSA). In his reasonably well-balanced article, Olivero states (1978, p. 3): "According to federal education law, no rule or regulation may be applied to school districts until it has been published for comment in the Federal register. The Lau rules have not been published." While this point is contested by authorities many practitioners continue to regard the remedies as "suggestions" without formal legal status. Disagreement merely contributes to the confusion and ambivalence.

Lack of OCR uniformity in monitoring districts as well as lack of vigor persist as problems. "Many minority group educators and leaders are disenchanted with OCR's enforcement effort. They allege that the monitoring and evaluation conducted by OCR do not adequately take into account the educational needs of language minority students and that the Federal government will tolerate minimal compliance with Lau remedies, which allow broad and differing interpretations" (U.S. Commission on Civil Rights, 1979, p. 24). Interviews and observations corroborate both the dissatisfaction of minority group members, and the less than even or vigorous monitoring.

States play a major role in the establishment of goals, description of programs, and funding of bilingual education. In this regard California regulations are more specific and extend the federal position. Regardless, this process tends to confuse and spawn charges of contradiction. According to Jackson, the federal bilingual education objective or "philosophy" (1974):

...is to enable children whose dominant language is other than English to develop competitive proficiency in English so that they can function successfully in the educational and occupational institution of the larger society. Bilingual/bicultural education



is seen as a necessary and appropriate means of achieving this end.

California interpreting this philosophy and Lau v. Nichols established the following policy (Legislative Background, 1978, p. 5):

...schools should make provisions for instruction in a language understandable to each limited English speaking student until such student can adequately understand instruction in English... each limited English speaking student in the public schools should have, in addition to or in combination with other educational opportunities, educational services which--are taught in a language understandable to the student;--built upon the student's primary language; and--teach the student English.

Further legislation in California tended to diverge from this rather simple goal statement. This extension included as goals; positive reinforcement of student self-concept, development of intergroup and intercultural awareness, and dual language competence for all participating children (see Legislative Background). Recently the California State Department of Education released an informal analysis of Lau Guidelines contrasted with current and proposed state legislation that is illustrative of the problem. This rather lengthy illustration (Table II) is useful for three reasons. First, it graphically illustrates the areas of real confusion; second, it thus provides some understanding of the negative feelings toward bilingual education in the literature and encountered in the field; and third, it is illustrative of the "evaluation of an idea." At this time it is uncertain whether AB 690 will become law, regardless it serves to demonstrate the confusion.

A strong case can be made that no contradiction is inherent in the three documents: indeed, the State merely more fully defines the Federal. However, in some cases, for example "target population," "numerical conditions" and "fiscal conditions" the Lau Guidelines appear more stringent than existing State law. It is argued that the district must implement the more stringent of the two. Hiller and Grossman address this situation (1979, p. 47):

The obligations of California school districts to address the educational needs of their language minority students derive from both federal and state law. Where compliance with state law fulfills the federal obligations, adherence to state law will be satisfactory. If applicable federal law goes beyond the requirements of state law, the federal law must be followed. If applicable state law goes



Table II

Summary of Federal and California Laws Relating to Bilingual Education

|                                        | Lau Guidelines 1975                                                                                                                                                                                                                                          | Present [Major] State<br>Bilingual Requirements<br>AB 1329                                                                                                | Proposed AB 690<br>Bilingual Education<br>Act of 1979 *                                                                                                                                             |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Purpose                             | "an outline of those educational approaches which would constitute appropriate 'affirmative steps' to be taken by a non-complying school district' to open its instructional program to students foreclosed currently from effective participation therein." | "to require California school districts to offer bilingual learning opportunities to each limited English-speaking pupil enrolled in the public schools." | "...to develop in each child proficiency in English and basic skills and concepts, so that he or she may be enrolled in and profit from a program in which English is the language of instruction." |
| 2. Target Population                   | Students with a primary language other than English who are (a) limited/non-English-speaking and/or (b) achieving below grade level.                                                                                                                         | Students with a primary language other than English who are limited/non-English-speaking (LES/NES)                                                        | Students with a primary language other than English and who are limited English proficient.                                                                                                         |
| 3. Identification of Target Population | The district must identify all students who have a primary language                                                                                                                                                                                          | The district must identify the primary language of all students and assess                                                                                | The district must identify the primary language of all students and (1) assess                                                                                                                      |

|                         | Lau Guidelines 1975                                                                                                                             | Present [Major] State<br>Bilingual Requirements<br>AB 1329                                                                                                                                                                                                     | Proposed AB 690<br>Bilingual Education<br>Act of 1979 *                                                                                                                                                                                                                                                              |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                         | other than English. Assessment of English and primary language proficiency and academic achievement are used as criteria for program placement. | with an English language proficiency instrument all students with a primary language other than English.                                                                                                                                                       | the English language proficiency of all students with a primary language other than English and (2) assess the primary language proficiency of all students who are limited English proficient.                                                                                                                      |
| 4. Numerical Conditions | Lau programs are developed when there are 20 or more students of the same language group in the <u>district</u> .                               | Bilingual programs are developed when there are ten or more LES/NES at a grade level, K-6, at a school, and the presence of categorical funding; bilingual individual learning programs where there are fewer than ten LES/NES, K-6, and for all LES/NES 7-12. | Core bilingual and extended English programs are developed when they are requested by 10 or more LES/NES at a grade level or 30 or more LES/NES at a school which receives certain categorical funds. Partial bilingual programs are developed when there are 40 or more LES/NES requesting the program in a school. |

Continued

|                          | Lau Guidelines 1975                                                                                                                         | Present [Major] State Bilingual Requirements AB 1329                                                                                                                                                                                                | Proposed AB 690 Bilingual Education Act of 1979 *                                                                                                                                                                                                                                     |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5. Classroom Composition | Programs under Lau do not "justify the existence of racial/ethnically isolated or identifiable classes, per se."                            | In bilingual programs "not more than two-thirds of the pupils enrolled shall be limited English-speaking." The remainder shall be fluent English speaking.                                                                                          | No more than 60% of pupils assigned to a principal teacher shall be pupils of limited English proficiency. The remainder shall be pupils of native-English proficiency.                                                                                                               |
| 6. Staffing              | Teachers must be "linguistically/culturally familiar with the background of the students to be served."                                     | "Teachers must be fluent in the primary language and familiar with the cultural heritage of LES students in the bilingual classes." In addition, for bilingual programs, the principal teacher must hold a bilingual credential or approved waiver. | Bilingual-crosscultural teachers are required as principal teachers for the core bilingual curriculum. Extended English teachers or bilingual crosscultural teachers are required as principal teachers for the partial bilingual, extended English and individual learning programs. |
| 7. Program Content       | For students K-8 who are identified as LES/NES, a form of bilingual education must be provided. This program must, at a minimum: a) Utilize | For students K-6, if ten or more LES/NES of the same primary language are at a grade level at a school, then a bilingual program must be                                                                                                            | (a) "Core Bilingual Curriculum" is to be offered to students who are limited in English and dominant in their primary language and requires at a                                                                                                                                      |

| Lau Guidelines 1975 | Present [Major] State<br>Bilingual Requirements<br>AB 1329 | Proposed AB 690<br>Bilingual Education<br>Act of 1979 * |
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the student's native language; b) Develop all necessary skills in the student's primary language; c) Develop all necessary skills in English as a second language; and d) Utilize student's culture and heritage.

Note: ESL is a necessary component above, but it is not sufficient as the only program to respond to the needs of the student.

For LES/NES students 9-12, ESL and/or a bilingual education program as defined for K-8 above must be provided. (Within the ESL option, the district must ensure the student's development of conceptual skills.)

provided. This program must at a minimum: a) Utilize the student's native language; b) Develop all necessary skills in the student's primary language; c) Develop all necessary skills in English as a second language; and d) Utilize student's culture and heritage.

For LES/NES students 9-12, an individual learning program is required in which students are provided ESL and instruction in their primary language.

State bilingual requirements do not address underachieving FES who have a primary language other than English.

minimum English second language instruction and basic skills taught via the primary language.

(b) "Partial Bilingual Curriculum" is to be offered to all primary language dominant students at the secondary level and limited English dominant students at the primary level and requires at a minimum English second language instruction basic skills taught through English and primary language development.

(c) "Extended English Curriculum" is to be offered to students of limited English proficiency who are dominant in English and requires at a minimum English second language instruction and basic skills taught through English.



Lau Guidelines 1975

Present [Major] State  
Bilingual Requirements  
AB 1329

Proposed AB 690  
Bilingual Education  
Act of 1979 \*

For FES students K-12 who have a primary language other than English who are underachieving, a program must be designed and implemented which will remedy their academic difficulties. For students who are achieving at grade level or better, no additional educational program is required.

Programs for LES/NES and underachieving FES students with a primary language other than English must "include diagnosis of problems related to areas of subjects required of other students in the school program and prescriptive measures must serve to bring the linguistically/culturally different student to the

(f) "Individual Learning Program" is to be offered to all students not enrolled in (a), (b), or (c) and requires at a minimum a curriculum based on (a), (b), or (c) above and which is consistent with the U.S. Supreme Court decision Lau v. Nichols, etc.

Lau Guidelines 1975

Present [Major] State Proposed AB 690  
 Bilingual Requirements Bilingual Education  
 AB 1329 Act of 1979 \*

educational performance level that is expected by the Local Educational Agency (LEA) and state of non-minority students."

8. Assessment of Student Progress

A diagnostic/pre-  
 scriptive approach  
 must be used to  
 identify and monitor  
national origin  
minority students'  
language ability and  
 progress in other  
 "areas or subjects  
 required of other  
 students in the  
 school program."

During each school  
 year, the district  
 must use a pre- and  
 post- testing ap-  
 proach to measure  
 the LES/NES student's  
 achievement in English  
 and, to the extent  
 instruments are avail-  
 able, the primary  
 language (comprehension,  
 speaking, reading, and  
 writing).

English language pro-  
 ficiency assessments  
 are to be updated  
 yearly.

9. Reclassifica-  
 tion Criteria

"A district must pro-  
 vide predictive data  
 which show that such  
 students are ready to  
 make the transition  
 into English and will  
 educationally succeed  
 in content areas and  
 the educational

Each district shall  
 "report the total  
 number of pupils  
 whose primary lan-  
 guage is other than  
 English who have  
 benefited from in-  
 struction...to the  
 extent that they are

"To determine when a  
 pupil is ready to be  
 placed in a program in  
 which English is the  
 language of instruction,  
 school districts shall  
 assess all (limited  
 English proficient)  
 pupils..at least

Continued

|            | Lau Guidelines 1975                                                   | Present [Major] State<br>Bilingual Requirements<br>AB 1329                                                                                                           | Proposed AB 690<br>Bilingual Education<br>Act of 1979 *                                                                                                                                                                                                           |
|------------|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | program in which he or she is to be placed."                          | no longer limited English-speaking.                                                                                                                                  | annually applying the same criteria used for pupil identification.                                                                                                                                                                                                |
| 10. Fiscal | <u>Lau</u> requirements are not contingent upon the receipt of funds. | Requirements under programs a and b are dependent upon the receipt of specific amounts of categorical funds.<br><br>After September 1979, this condition may change. | Programmatic requirements are not linked to the receipt of categorical funds. This bill appropriates an unspecified sum to the Controller for allocation and disbursement to local agencies and school districts for costs incurred by them pursuant to this act. |

\* Craft of May 9, 1979

Source: Office of Bilingual Education. California State Department of Education (unofficial document), 1979

beyond the requirements of federal law, then the state law must be followed. When there is a positive conflict between federal and state law and the state law compromises or hinders the federal law, then the state law must yield. The law which is most productive of children's educational rights--and hence less compromising--must be followed.

Of particular concern to this study is "classroom composition:" on the federal side an identifiable ethnic track is prohibited while in state law two-thirds of the class (or program) may be LES/NES, while one-third shall be fluent English speakers (FES). The two points are quite different; federal law regards ethnic classification, state law a linguistic one. This point is more fully discussed later. Regardless of intent, the confusion is obvious. Hiller and Grossman's excellent article, "The rights of language minority students under federal and state laws: Real and imagined conflict" is highly recommended for those wishing a detailed examination of "conflict." (The conclusion of this article is provided in Appendix A.) It is not the purpose of this study to analyze the conflict but to merely point out that educators are confused: it is assumed that confusion contributes to poor quality programs.

Arizona bilingual education law is essentially permissive and does not appear to present the confusion encountered in California. Regulations interpreting the law are similarly seen. The only provision that appears to thwart the national intent is Section 15-202 (Arizona Revised Statutes as cited in Geffert, 1975, p. 37):

A. All schools shall be conducted in the English language, except special classes as provided in subsection B of this section.

B. In the first three grades of any common school district where there are pupils who have difficulty in writing, speaking or understanding the English language because they are from an environment wherein another language is spoken primarily or exclusively, the district may provide special programs of bilingual instruction to the extent deemed necessary to improve or accelerate the comprehension and speech of the English language by such pupils.

Bilingual education in grades past three are essentially E.S.L. although others were reported in Tucson. As only the three desegregated districts in Arizona were studied, the impression of little confusion may be erroneous. Others may have significant problems.

Courts also contribute to uncertainty in their continuing



efforts to define bilingual program requirements. Until recently courts have progressively defined (or described) bilingual education in varying terms, yet still similar to Lau Guidelines (see Aspira v. New York, 1975; Cintron v. Brentwood, 1977; Serna v. Portales, 1974; U.S. v. Texas, 1971). Or, for excellent reviews, see Grant (no date); Tietelbaum and Hiller (1977a, 1977b); and U.S. Commission on Civil Rights (1975). However, more recently a case in Tempe, Arizona, has diverged from more usual definitions (Guadalupe Org. v. Tempe, 1978). In this case, the plaintiffs, a community organization from the small town of Guadalupe, alleged they were legally entitled to a schooling that (p. 1024):

Has as its goal having a child graduate at each grade level from kindergarten to fourth year in high school competent and functional in reading, writing, and comprehension both in the child's own language, Spanish, and the language of the majority culture, English. The appellees allegedly have also failed to provide an educational program in which 'all courses of instruction, testing procedures, instructional materials [are] bilingual and bicultural.' Finally, appellants contend that the school district failed to reflect in its program of instruction the particular language, particular customs and particular history of the parents of each child attending the school.

This became the plaintiffs' definition of the kind of bilingual/bicultural education to which they felt legally entitled. The circuit court upheld the district court in denying the plaintiffs' claim and finding that the program provided by the school district was sufficient. This school program was essentially E.S.L. This can and is being construed as a ruling that English as a Second Language instruction meets the legally mandated requirements. Lau Guidelines were not considered, nor did the court comment on them. Peter Roos, a leading legal authority disagrees (1979, pp. 2-3):

...the decision is not really an affirmation that ESL is sufficient...it is fair to say that the plaintiffs sought (as an entitlement) a maintenance program K-12 with wide-ranging cultural content, intimating that such could only be provided by racially specific instructors. No court ever was presented with the issue of whether native language instruction alone was legally mandated. Where the court said bilingual instruction was not required, it could be fairly construed that the court had in mind the definition provided by plaintiffs.

The implications of this decision are unclear. However,

interviewees have contended on the basis of the case that ESL is all that can or will be required in the future.

As with other aspects, bilingual education and desegregation both are undergoing continuous definition by courts, legislatures, state departments of education, and advocates. It is difficult enough to contend with one; to implement both desegregation and bilingual education simultaneously is even more difficult. Clear and relatively lasting definitions of bilingual education would greatly aid those who must project; students, staff, financial resources, and facilities a number of years into the future. However, it should be remembered that even with "clear guidelines" and a firm mandate, bilingual education will probably be increasingly resisted for a multitude of other reasons.

### Other Problem Areas

Many issues confront policy makers and implementors of bilingual education; many do not directly relate to desegregation or have any major influence on organization. However, none are totally devoid of desegregation implications. Those with little direct implication concern: bilingual education and student achievement/attainment, exit criteria, teacher preparation and certification and teacher qualifications. Interviewees mentioned these occasionally: they are included when appropriate in the two sections dealing with implementation and organization (IV and V). The confusion, possible conflict, and developing definitions of: 1) the number of students who must be served; 2) tracking or ethnic isolation; and 3) staff transfer and reduction in force (RIF), have major desegregation implications.

Examination of Table II indicates some disagreement on the minimum number of LES/NES students entitled to service. Roos stresses that entitlement is to the single individual (1979a, p. 5):

The language of Title VI implies that the right to special assistance is that of an individual: 'no person...shall on the ground of...national origin...be subjected to discrimination.' HEW regulations implementing Title VI prohibit the recipients of federal funds from denying 'individual rights'...the language of the Equal Educational Opportunities Act of 1974 implies that the entitlement to special language assistance is individual and does not require a showing that large numbers of LESA students are involved: 'No state shall deny equal educational opportunity to an individual on account of his or her...national origin, by...the failure by an educational agency to take appropriate action to overcome language barriers....[He mentions

also that:] The majority opinion of the Supreme Court in Lau v. Nichols did not discuss whether there was any numerical requirement. However, Justice Blackman, joined by the Chief Justice, stressed that he concurred in the Lau opinion solely because of the size of the affected group: 'I merely wish to make plain that when, in another case, we are concerned with a very few youngsters, or with just a single child who speaks only German or Polish or Spanish or any other language other than English, I would not regard today's decision, or the separate concurrence, as conclusive upon the issue whether the statute and the guidelines require the funded school district to provide special instruction. For me, numbers are at the heart of this case and my concurrence is to be understood accordingly.'

The variation in application is significant: California requiring an ILP for each student, Lau Guideline stipulating a minimum of twenty. This is a major concern to those implementing bilingual education with or without concerns for school ethnic balance or isolation. Costs as well as program characteristics are involved.

The May 25th memorandum, the Lau Guidelines, the Emergency School Aid Act (ESAA), and the courts are concerned with tracking or ethnic isolation within bilingual education groupings. In his summary of the legal literature, Roos found that (1979a, p. 12):

Where bilingual programs of instruction are provided for LESA [Limited English Speaking Ability] students, are school districts obligated to include non-language-minority students in the program? Some legislation, at both the federal and state levels, have either encouraged or in some cases required the inclusion of such children. The explanation for inclusion of non-language-minority children was given by then Special Assistant to the Director, and later Director, of the Office of Civil Rights, who observed that 'to meet the needs of ethnically isolated children...participation of Anglo children in the bicultural/bilingual programs is essential.' Thus, although the primary focus of bilingual education must be the LESA student there is still an obligation to see that his education occurs in the most integrated setting possible. Almost no research, however, has been undertaken on the impact of non-language minorities--and their relative proportions in the class--on bilingual instruction for LESA students. (emphasis added)



Tracking (or rigid ability grouping) is both a concern of government and a major problem for those implementing bilingual programs. The federal mandate is rather clear, minority children are not to be isolated from their Anglo peers for protracted periods of time. They are to exit the bilingual program as soon as possible. Children must be in the "most integrated setting possible." The exact meanings of these are difficult. Yet these are the crucial considerations for planning desegregation.

Great confusion exists among educators as to what constitutes grouping or tracking regardless of its reference in the bilingual context. No clear definition is accepted: no clear pattern of implementation is evident. The language of the courts and government is equally unclear. HEW regulations were cited in Lau v. Nichols that direct that (1974):

Any ability grouping or tracking system employed in the school system to deal with special language skills needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational deadend or permanent track. (emphasis added)

Lau Guidelines reinforce this position: the May 25th memorandum is similar. These points appear clear in the federal mandate; each however, leaves many questions unanswered. The resolution or clarification is crucial in the context of desegregation.

Repeatedly it is held that bilingual education is to reach the objective of English competency as soon as possible. The quicker the better: a transition (or perhaps ESL) program appears to be mandated. Yet California goes beyond this simple directive by requiring, under certain circumstances, maintenance and possible enrichment programs (see Table II).

A second and related point is that the track or special placement should not be an academic deadend. This is seen to mean that bilingual education placement should not lead inevitably to subsequent placement in a low ability track, nor that it should exit students into tracks or curriculums that permit little upward social or academic mobility. Bilingual education must lead to mainstream placement.

A third major point is that the bilingual education class, program, or component must not be an identifiable ethnic track. Majority group children should be involved, either in the program; or the program should be arranged so that language minority children come into significant contact with their non-language minority peers. California adds that one-third a class should be fluent English speakers.



However, this is not an ethnic category; perhaps 90% of FES students in California bilingual programs are minority, the bulk of these English fluent Chicanos (Carter, in press).

What constitutes an "ethnic track," how much time must be spent in contact with majority group peers? The most commonly applied guidelines are those promulgated by ESAA which prohibits isolation for more than 25% of the day, "...unless the segregation is the result of a 'bona fide ability grouping as a standard pedagogical practice.'" According to ESAA, a bona fide ability grouping is one that is (Roos, 1979, p. 12):

...based upon non-discriminatory, objective standards of measurement which are educationally relevant to the purposes of such grouping and which, in the case of national origin minority group children, do not essentially measure English language skills;...[which are] maintained for only such portion of the school...as is necessary to achieve the purposes of such grouping:...[which is] designed to meet the special needs of the students...and to improve the academic performance and achievement of students determined to be in the less academically advanced groups, by means of specially developed curricula, specially trained or certified instructional personnel, and periodic retesting to determine academic progress and eligibility for promotion; and...[which is] validated by test scores or other reliable objective evidence indicating the educational benefits of such grouping.

As will be seen in the sections on implementation (IV and V) such conditions are very difficult to meet in practice. Regardless of varying regulations and interpretation the vast majority of bilingual programs are: 1) short-term transition activities--rarely going beyond a three year span; 2) involve primarily LES/NES minority group children and FES minority group children; 3) thus ethnically imbalanced--very few Black or Anglo children are involved; and 4) organized in such a manner as to preclude participants from much sustained interaction with Black or Anglo children. In many cases bilingual programs are located in ethnically imbalanced predominantly Mexican American schools; many are in schools in predominantly Mexican American districts.

Bilingual education is not surprisingly being identified and implemented as a "Mexican program for Mexican kids." If existing anti-tracking regulations were to be seriously applied radical changes in classroom ethnic composition would result with a probable threat to bilingual education as it presently exists. Designing and implementing bilingual education programs that are not ethnically balanced or provide

for sustained interaction with majority group children is the major challenge. In court-ordered cases, the definition of a desegregated school is of primary importance in this regard. It is quite easy to organize a bilingual program in a school that is 90% Chicano and 10% Anglo: in fact, to do so is to merely perpetuate the status quo in many California and Arizona districts. It is most difficult to organize bilingual programs that approach compliance to tracking and isolation prohibitions in a school that is ethnically balanced at, say, 15% Black, 30% Mexican American, and 55% Anglo. Regardless, it is possible and has been accomplished, as is described in Section V.

Some problems seem to be disappearing. There presently is little doubt that teachers can be transferred for desegregation purposes. Federal case law supports this position. In Los Angeles a U.S. District judge rejected arguments that the school system's teacher desegregation plan was unconstitutional. Plaintiffs claimed the use of race in the teacher transfer plan denied them equal protection of the law. But Judge Byrne held that (Editors, 1977b, p. 27): "plaintiffs have confused racial classification in the course of promoting integration with differential treatment pursuant to a conscious policy of racial segregation." He quoted from the U.S. Supreme Court's ruling in a 1971 case: "Just as the race of students must be considered in determining whether a constitutional violation has occurred, so also must race be considered in formulating a remedy." Judge Byrne noted also, that the highest court had approved "race-conscious remedies" in a 1977 case. He also held that "since the [desegregation] plan does not operate in such a way that one racial/ethnic group receives different treatment than another, plaintiffs' claims of unlawful racial discrimination under the equal protection clause must fail." In order to fashion a desegregation plan or a bilingual plan, the involuntary transfer of staff appears constitutional.

However, a major problem can result if bilingual teachers are moved without first considering programmatic needs. According to Garcia, the principle is that (1976, p. 22): "...it is important for the bilingual needs of Latino students that bilingual Latino teachers or administrators not be shifted without considering the language needs in the centers to which they are moved." It must be recognized that staff desegregation is crucial while simultaneously recognizing that staff with specific language abilities and credentials are also needed. The courts have refused to require Chicano teachers for Chicano children. However, competent bilingual teachers are required. In this context it is important not to confuse ethnicity with bilingual skills or credentials. There are fully certified Anglo and Black bilingual teachers: some districts make every effort to acquire their services in order to ethnically balance staff. Others do not and argue either that ethnic specific staff are required or that

non-Mexican American bilingual staff are unavailable.

A major problem is presented in the case of districts with declining enrollment. Due to numerous demographic circumstances this usually manifests itself in declining Anglo enrollment and increasing minority, especially Mexican American, percentages and absolute numbers. Concomitantly, with this increase is an increase in the number of LES/NES students. A California study places 25% of Mexican American students in this linguistic category (Foote, 1979). Declining district enrollment usually results in teachers and other staff being terminated. Following the well-established practice of "last hired-first fired" districts would be forced to terminate the very teachers they need most. In Cintron v. Brentwood (1977) the court concluded that when seniority rights within state-sanctioned contracts conflict with the federally-guaranteed right to bilingual education that the state enactments must give way. In both California and Arizona, the state attorney general has published opinions that bilingual education teachers represent a "specialty track" and that the "last hired-first fired" rule applies within that track and not across all district teachers. Additionally, some districts have made similar rulings board policy or included them in teacher contracts (Shannon, Stockton, 5-25-79). On the other hand, Phoenix is reported to have apparently declined to follow the opinion and released bilingual teachers, thus decimating their bilingual program (Bencomo, Phoenix, 4-16-79).

### Conclusions

There is an increasingly strong tendency to define segregation in terms of isolation rather than ethnic and racial imbalance. A concomitant trend exists toward defining legal intent to segregate in terms of proof of specific board of education acts. The present movement in court-ordered desegregation is toward very minor changes in organization; minimum busing, and the maintenance of schools that are predominantly minority or majority group. Many schools remain overwhelmingly Mexican American. Earlier attempts to balance all schools within a district continue but no contemporary ruling in California or Arizona demands ethnic and racial representativeness. There is little or no educator or community commitment to future desegregation. The courts must provide what little will be accomplished in the future.

The waning commitment to desegregation and the increasing movement away from reaching ethnically balanced schools may make moot the question of conflict between bilingual education and desegregation. In reality most bilingual education will continue to be transition-compensatory and be located in predominantly Mexican American schools.

There is no inherent incompatibility between the legal mandates of Brown and Lau. They can and do coexist. In the



words of Ricardo Fernandez desegregation and bilingual education are (Cardenes, 1977, p. 68): "...divergent yet similar thrusts, both seeking equal educational opportunity." However, great confusion exists among educators as well as within the Mexican American community regarding what is demanded, required, and expected of bilingual education. Federal guidelines and California regulations are confusing but not incompatible. The major problem of implementation revolves around the governmental prohibition of ethnically isolated bilingual tracks and the demand for contact with the majority group "in the most integrated setting possible." This is equivalent to the desegregation of bilingual programs. This area is very weakly enforced: most bilingual programs are predominantly Mexican American groupings. The will to end segregated bilingual programs is as weak as the will to desegregate schools.

A strong movement to develop new and continue existing "separate but excellent" schools is predicted. Whether racially imbalanced, predominantly Mexican American magnets or schools will be permitted depends on the national will as interpreted by legislation, the courts and implemented by the executive branch. In 1976, Teitelbaum and Hiller summarized (p. 167):

...the thrust of desegregation is to offer the same education to all students regardless of race or national origin. To establish identifiable... schools, even if the creation of such schools might be educationally sound, does not pass muster under the constitution, especially when a system is found to be operating a segregated school and the mandate is to desegregate them. If bilingual programs are to be part of a desegregation remedy, they cannot jeopardize the court's paramount concern to integrate.

If present trends continue, and there is little reason for doubt, integration will be increasingly defined and implemented in a diluted form. Yet as future sections demonstrate it is possible to organize bilingual education in ethnically balanced programs and schools.



## SECTION IV

### Problems of Implementation

Critical considerations face educators and the community in the development of bilingual education programs within a desegregated setting. Careful planning and conscientious efforts to solve problems related to these critical areas is essential. Unfortunately, no school district studied in California or Arizona provides an ideal model; however, many contributed insight into the considerations as well as examples of ways of dealing with problems arising from them.

Two overriding tasks must be accomplished by those planning desegregation and bilingual education simultaneously. Integrating a bilingual program into an already desegregated district involves, at the minimum, accomplishing the second. These are:

(1) Of paramount importance is the development of a comprehensive educational or "master plan" for the school district. This plan is not solely related to desegregation but includes strategies to eliminate discrimination in all its forms and establish equal educational opportunity; and

(2) Of almost equal importance, is the careful integration of bilingual education into the master plan. To this end the district must establish firm policy toward the program that includes a "philosophy" and commitment to programmatic organization to implement it.

Within each task certain problem areas are of particular importance. A major concern in the development of the comprehensive plan is to determine the attitudes of the community, especially the Hispanic, toward desegregation, and to develop effective ways of coping with whatever is found to exist.

As regards the second task, the integration of a bilingual plan, three considerations are paramount, these involve:

(1) Methods to encourage non-linguistic minority youngsters (Blacks and Anglos specifically) to participate in bilingual education. If ethnic balance is required the number of these children needed is larger than if isolation is to be eliminated.

(2) Plans to maintain a "critical mass" of LES/NES students around which to develop bilingual programs. This is a two-fold activity: one involves logistics; the other student identification.

(3) Careful planning to ensure that staff resources are available, appropriately "protected," and located properly to meet program and desegregation demands.

No effort is made to treat all aspects of a comprehensive educational plan or of equal educational opportunity. Section IV restricts examples and analysis to items seem to be specific to bilingual education within desegregation.

### The Comprehensive Education Plan

Neither desegregation nor bilingual education can be successful without the development of a "master plan," or detailed "remedy" to implement them. In spite of need, this is the area most slighted in the process of desegregation. More time, money and effort are spent on "winning the case" than on developing the solution. Most often plans are left to the exclusive formulation of school staffs; few outside experts are involved, the community rarely actively participates, "solutions" usually lack creativity and comprehensiveness. Courts usually lack experience in such matters and, perhaps rightfully, are reticent to enter into educational matters that are seen to be the domain of experts.

The plan's development. There are four major failings in allowing the school district staff to develop the plan. School staffs tend to:

(1) Operate against their desires; until recently they were the force defending previous segregation. "They often plan against their will and from a base of ignorance about objectives" (Dentler, 1978, p. 73);

(2) School executives tend to be non-creative for many reasons. As agents of the system they are themselves defenders of the status quo. Institutional functionaries tend to perceive alternatives in terms of system-defined practices and options;

(3) They are rarely responsive to outside social, political, or economic forces or non-educational considerations. School staff tend to be self-reinforcing and thus isolated from non-educator influence; and

(4) Plans developed are non-comprehensive short-term "knee-jerk" educational responses to accomplish the minimum the court mandates.

Within the states and districts studied, school staffs were or are primarily responsible for development of the

desegregation plan. However, each was different: no generalization is possible. The major exception to district staff responsibility is Tucson.

San Bernardino has had a long "battle" with the court over desegregation. While no desire to generalize is intended, the city can serve as an illustration of the conditions mentioned above. San Bernardino was chosen for this purpose for a number of reasons: (1) a California court is presently hearing the case; (2) resolution involves isolation and steps beyond it as discussed; (3) the principal investigator was familiar with the city (Carter & Hickerson, 1968); (4) the district has a large Mexican American community--it is ethnically and racially quite representative of the two states; and (5) "desegregation staffs" were very cooperative in providing information. The cooperation of Dr. Niel Roberts, head of the "Desegregation and Integration" unit and his staff is highly appreciated. It is extremely difficult to objectively describe and analyze a large urban district's desegregation efforts in a few short paragraphs; much must be omitted. Reliance must be placed on the validity of information supplied: no effort could be made to cross check or empirically verify statements or printed material. The history of the long-involved, contested and sometimes acrimonious desegregation of San Bernardino is detailed by Trombley (1977a). Carter and Hickerson (1968) provide even earlier background. The current desegregation legal situation is discussed in Section III, staff and community involvement in planning and reacting to court mandates is drawn from material published by the district (these are listed under San Bernardino City Unified School District in the Bibliography), or from respondents, especially the interview with Dr. Roberts (San Bernardino, 8-9-79).

During the middle 1970's the Superintendent, on the basis of staff recommendation established a community advisory group to cope with desegregation. This included real estate and business representation as well as "grass roots" types. Ethnically it was roughly representative of the community: two-thirds Anglo, one-sixth Black and one-sixth Mexican American. School staff provide educational expertise, local authorities on the community were also utilized. An administrative staff group of four individuals was charged with suggesting characteristics of desegregated schools they felt were appropriate to San Bernardino. The two groups were to develop suggestions independently of each other. They visited cities in Texas and other sections of the country. Apparently on the basis of their suggestions to the Community Advisory Group and the Superintendent, the Board fixed in their thinking the basic educational aspects of desegregation. These revolved around the development of magnets, the closing of a few schools, part-time inter-cultural exchanges, and some pairing of schools as interim steps to ultimate desegregation. These educational alternatives were discussed by a "speakers'



bureau" of staff and board members in the community service organizations, including the Urban League and the Mexican American Political Association. Generally, positive reception was reported. The local newspaper, The Sun-Telegram, is reported to have endorsed the ideas proposed for desegregation.

Early in the development the district staff established the isolation definition. At the continuing demand of Superior Court Judge Egley, the district is charged with the definition of segregation as well as plans to eliminate it. The district staff recommended and the Board accepted the 80/20-20/80 ratio and presently has proposed performance objectives to reduce it to 75/25-25/75. The staff has long been conscious of the fact that numbers, ratios, or percentages do not necessarily encourage structural integration and have involved sociologist Dr. Jane Mercer (their only reported outside expert) to aid them in the development of new definitions including the "harms of segregation" alternative previously discussed in Section III.

Early in 1972, the Desegregation and Integration Unit (D & I) was established, headed by Dr. Roberts. Over the years six advisory groups have evolved: each is composed of 20-30 adults chosen from the parents and community of the feeder schools serving the comprehensive high schools (a "cluster"). Each is headed by a "team leader," a principal of one of the cluster schools. Efforts are made to include significant numbers of minorities. Members are reportedly selected on the nomination of others and on the basis of the degree they represent their community (their "constituency") and their ability to make substantive contributions. They are reported to be ethnically representative and at least 51% cluster parents. Their principle task is to react to suggestions made by staff and to recommend programmatic modifications: for example, to suggest desired magnets. The success or failure of these advisory groups is described as varying greatly, apparently depending on the ability and efforts of the team leader. All six groups meet jointly at the beginning and end of the year to discuss board and court positions and staff analysis. They are scheduled to meet independently each month.

The D & I unit serves as the main planning agency: the director meets weekly with the six team leaders (4 Anglo, 1 Black, and 1 Mexican American), six chairs of advisory groups (presently unnamed), the district Affirmative Action Officer (Mexican American), and the Director of ESSA programs (Anglo). Their responsibilities include, as well as desegregation planning, the coordination of administration services of the cluster schools, coordinate instructional aspects such as magnets, and serve as the direct liaison with the Board and the Court. D & I reports to, and with the input and concurrence of, the Superintendent to the Board.

Over the years efforts have been made to encourage



coordination with community development and other similar agencies. It is hoped that a formal five year plan incorporating social, economic and political, as well as educational planning will be established in the future. Occasionally, local non-education experts have been involved in discussions with the D & I.

Apparently long-range and comprehensive planning is hampered by the changing demands of the judge and the necessity of quick response, as well as lack of resources. While there appears to be community involvement in an advisory capacity, there is every reason to suspect that they are asked to respond to the staff and Board predetermined programmatic and organizational concepts. They appear to this writer to be operating within the very limited framework of desegregation as defined and established by staff in the early seventies. With the exception of Dr. Mercer, no outside experts have had a major involvement. There is no comprehensive educational plan; rather what serves as a plan is a developing set of educational adaptations to court demands. There is little objective study or evaluation of the developing implementation of these organizational changes. However, an interesting study of certain aspects of student structural integration was undertaken (San Bernardino City Unified School District, 1975).

Tucson represents the opposite approach. The judge held lengthy public hearings to discuss and develop the "remedy" (Mendoza v. Tucson, 1978, "Stipulation of Agreement"). During these hearings acrimonious debate revolved around remedial reading programs and the special treatment of Mexican Americans. Interviews with district staff, community, and university faculty are negative concerning both the method and outcome. The Tucson situation points out the absolute necessity of comprehensive plans in contrast to narrow, short-term and legalistic "remedies." The judicial approach to demand changes to correct specific abuses is not adequate from a social science or educational perspective; a much more comprehensive plan is required. Nothing similar to the planning demanded by Judge Garrity after the initial disaster in Boston under district plans was found in either Arizona or California.

From experience in studying desegregation in both states and from the literature, one is forced to generally concur with Coleman (1975, p. 77): "One of the peculiarities of the whole desegregation period has been the lack of interest by advocates on both sides in making a desegregated system work well." Riverside is probably the only exception. Dentler's review of the desegregation literature led him to conclude that we seriously slight the crucial aspects of planning and implementation. He remarked (1977, p. 5): "Factors that may account for four-fifths of the variance in policy success or failure, account for less than one-fifteenth

of our professional attention." Much more conscientious effort and money is spent on advocacy, trials, and study of outcomes, than is spent on the process of implementation and the objective analysis of its effectiveness.

"Programmatic priority." It is difficult to separate desegregation planning from plans for bilingual education or other special or mandated programs. Some framework for such considerations within desegregation must be established. The legal as well as educational necessity of bilingual education influences the organization of desegregation. As Zirkel points out (1977, p. 181):

Desegregation has typically meant the scattering of Black students to provide instruction in 'racially balanced' settings. Bilingual education, on the other hand, has usually meant the clustering of Spanish-speaking students in order that they receive instruction through their native language.

The very common bilingual magnets, strands, and pull-out programs are contemporary examples of structural attempts to resolve these problems.

In order to reach resolution, however, it is essential to establish procedural priority or a "hierarchy" of desegregation considerations. The question is when and how bilingual education is considered within the developing desegregation plan. Boston, in its second phase of planning, provides an example of "giving priority" to programmatic needs. The bilingual education and special education mandates and the children who needed such services were the consideration around which the busing of children, closing of schools, changing attendance areas, and developing of magnets were planned (Dentler, 1977, 1978). While no master plan exists in Riverside, there appears to be formal acceptance of the idea that implementing ethnic balance must give priority to concentrating LES/NES children and staff (Lantz, Flores, 5-13-79). Respondents in other districts commented that similar but informal priority was given. This certainly appears to be not the case in Santa Barbara. Judge Egley in San Bernardino ordered in August of 1977 that the district "must maintain the integrity of bilingual education" (Roberts, San Bernardino, 8-9-79). The meaning of this order appears to be unclear. To Roberts it meant "to continue desegregation but be sure to involve the teachers and have the cooperation of Chicanos." Other interviewees felt that the district was little concerned with bilingual education, giving it low priority and very limited implementation. There is little evidence that efforts beyond minimum implementation of transition or E.S.L. programs exist or are planned for. Although the director of the D & I unit mentioned the possibility of a more maintenance/enrichment magnet in the future.

The need for clear definition. The nature of the courts' (or districts') definition of segregation and desegregation is the primary determinant of the plan. Contemporary cases in California define segregation in terms of isolation, earlier desegregation efforts employed imbalance. The solution under the respective definitions is to: end isolation by meeting the ratios required or to balance schools so they approximate district composition. As discussed in Section III (Table II), the former provides more and the latter less latitude or flexibility in organizing bilingual education programs. The composition of the minority population in the isolation ratio is also important: a 70/30 ratio that is all Mexican American can facilitate bilingual programs. A demand for a Black/Mexican American combined minority component can restrict the "critical mass" of LES/NES students, and in turn, the number of alternative organizational possibilities. As is discussed later, the maintenance of a "critical mass" of children is necessary: this appears most probable when an isolation ratio with only Mexican Americans in the minority component is acceptable. Regardless, it is possible with any definition: bilingual programs can be organized within schools of any ethnic composition. Two factors strongly influence the ease of implementation in a more balanced school setting. The location of the school, the nature of, and prestige associated with the bilingual program will determine the involvement of Anglo or Black students. Secondly, the creativity of the district in developing the balanced school, and the bilingual education within it, influences the number and kind of students.

Attitudes toward desegregation. Popular perception of desegregation must be seriously considered and methods to cope with them developed. A comprehensive plan should spell out both. In no case in the schools studied were either task accomplished. In reality, either the court, the district, or both, appeared to disregard or only shallowly consider community attitudes or feelings. Both minority and majority group perceptions of desegregation are important. If one were to rely solely on the popular media and conservative spokesmen for information on Anglo attitudes the only conclusion would be that they are overwhelmingly opposed. Likewise, there is a common belief that Mexican Americans strongly oppose and that Blacks strongly favor desegregation. Careful analysis during field research and a review of the exceedingly limited literature force a questioning of such assumptions.

Attitudes and perceptions of the varying community elements are rarely systematically assessed: only three California, and no Arizona districts made such an attempt. Both San Diego and Los Angeles\* surveys were conducted prior to

\*Unfortunately, only a very limited portion of the Los Angeles study is available. Unsuccessful efforts were made to procure it in its entirety: for unknown reasons it has not been released yet. For this reason, some of the points concerning methodology must be treated as assumptions in the case of Los Angeles.



desegregation efforts; in Riverside the study is more longitudinal, covering the period after initial desegregation. The three studies differ substantially. Los Angeles and San Diego share the following characteristics, both: (1) were samplings made prior to serious efforts to desegregate; (2) were paper and pencil opinionaires even though San Diego was a telephone interview; (3) were forced choice--providing little avenue for subjective comments or suggestions; and (4) were relatively small samples. Serious questions concerning methodology, bias, and objectivity can be raised about each. However, the results of these two efforts provide the only "objective" data encountered concerning pre-desegregation perceptions. These limitations must be kept in mind, regardless, the findings can not be discounted in their entirety solely on methodological grounds.

The "San Diego Study" (Evaluation of the San Diego Plan..., 1978) sampled a number of constituencies as to their opinion on varying topics during the first year of "voluntary desegregation." In only the sub-sample of parents were interviewees identified by race and ethnicity. A stratified sample based on ethnicity of 3,005 households was drawn; 589 of these were eliminated for varying reasons. Minority groups were overrepresented in the sample "in order to ensure samples large enough to permit generalizations and comparisons among the four major ethnic groups" (p. 19). Telephone interviewing was attempted with 94% success. (Requiring a home to have a telephone raises questions about representativeness.) A total of 2,007 telephone interviews were completed of parents whose children were not in voluntarily desegregated programs. A public opinion poll on attitudes toward desegregation was taken for the Los Angeles School Board in 1977. The study was under the supervision of Howard Freeman of U.C.L.A. For previously mentioned reasons few details are available. Tables III and IV provide selected results from both surveys.

While differences exist between the studies in wording, questions, and methodology, a number of similarities appear obvious:

(1) The majority of Anglos strongly oppose and the majority of Blacks favor busing--Mexican Americans are less sure and are somewhere in between the two groups.

(2) In San Diego all groups favor desegregation as defined while the majority of all groups except Anglos favor it in Los Angeles. The Anglo population is almost evenly divided pro and con.

There is no clear pattern of community rejection or acceptance of desegregation. There is a clear pattern of rejection of "transportation" to achieve it--this seems especially true in the case of Los Angeles where "busing" is specifically



Table III

Selected Findings of the San Diego Survey of  
Parents Not in Desegregated Programs

|                                                                                                                                                                                                            | Percentage |          |           |               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------|-----------|---------------|
|                                                                                                                                                                                                            | Black      | Hispanic | Pan Asian | White (Anglo) |
| 1. What do you think of the public schools your children attend?                                                                                                                                           |            |          |           |               |
| Excellent                                                                                                                                                                                                  | 14.0       | 24.0     | 23.0      | 21.0          |
| Good                                                                                                                                                                                                       | 48.0       | 50.0     | 58.0      | 50.0          |
| Fair                                                                                                                                                                                                       | 29.0       | 18.0     | 14.0      | 21.0          |
| Poor                                                                                                                                                                                                       | 8.0        | 6.0      | 3.0       | 6.0           |
| Not Sure                                                                                                                                                                                                   | 1.0        | 2.0      | 2.0       | 2.0           |
| 2. Do you think your child now is getting as good an education as children in other parts of the city?                                                                                                     |            |          |           |               |
| Yes                                                                                                                                                                                                        | 48.0       | 65.0     | 69.0      | 74.0          |
| No                                                                                                                                                                                                         | 33.0       | 13.0     | 6.0       | 9.0           |
| Not Sure                                                                                                                                                                                                   | 19.0       | 22.0     | 25.0      | 17.0          |
| 3. If you were convinced your child would get a better education than he/she is presently receiving in your neighborhood school, would you be willing to have your child transported to the better school? |            |          |           |               |
| Yes                                                                                                                                                                                                        | 63.0       | 46.0     | 32.0      | 30.0          |
| No                                                                                                                                                                                                         | 32.0       | 42.0     | 59.0      | 61.0          |
| Not Sure                                                                                                                                                                                                   | 5.0        | 12.0     | 9.0       | 9.0           |
| 4. In general, do you favor or oppose your child attending a school where two-thirds of the students are white (Anglo) and one-third are mostly Black and Mexican American?                                |            |          |           |               |
| Favor                                                                                                                                                                                                      | 75.0       | 77.0     | 76.0      | 78.0          |
| Oppose                                                                                                                                                                                                     | 11.0       | 8.0      | 9.0       | 7.0           |
| Not Sure                                                                                                                                                                                                   | 14.0       | 15.0     | 15.0      | 15.0          |

continued

continued

|                                                                                                   | Percentage |          |              |                  |
|---------------------------------------------------------------------------------------------------|------------|----------|--------------|------------------|
|                                                                                                   | Black      | Hispanic | Pan<br>Asian | White<br>(Anglo) |
| 5. Do you have any reservations or concerns about Magnet School programs? What are your concerns? |            |          |              |                  |
| 1. Have no reservations or concerns                                                               | 72.0       | 78.0     | 62.0         | 52.0             |
| 2. Poor discipline                                                                                | 1.0        |          |              | 1.0              |
| 3. Unfair treatment                                                                               | 1.0        |          | 1.0          |                  |
| 4. Conflicting social & cultural values                                                           | 3.0        | 2.0      | 2.0          | 7.0              |
| 5. Lower academic standards                                                                       | 5.0        | 4.0      | 6.0          | 8.0              |
| 6. Lack of safety                                                                                 | 1.0        | 1.0      | 1.0          | 3.0              |
| 7. Transportation [having to go by bus]                                                           | 9.0        | 10.0     | 12.0         | 17.0             |
| 8. Other concerns                                                                                 | 8.0        | 5.0      | 16.0         | 12.0             |

Source: Evaluation of the San Diego Plan for Racial Integration, 1977-78, San Diego City Schools, May, 1978 (The "Kaplan Study")

Table IV  
Selected Results of the Los Angeles Study

|                                                                                                                              | Black | Mexican<br>American | White |
|------------------------------------------------------------------------------------------------------------------------------|-------|---------------------|-------|
| <hr/>                                                                                                                        |       |                     |       |
| 1. In general, how do you feel about desegregation in the public schools?                                                    |       |                     |       |
| Favor                                                                                                                        | 73    | 51                  | 49    |
| Oppose                                                                                                                       | 22    | 38                  | 45    |
| Not Sure                                                                                                                     | 5     | 11                  | 6     |
| <hr/>                                                                                                                        |       |                     |       |
| 2. In general, how do you feel about busing children of all backgrounds...to achieve school desegregation?                   |       |                     |       |
| Favor                                                                                                                        | 68    | 43                  | 12    |
| Oppose                                                                                                                       | 31    | 54                  | 86    |
| Not Sure                                                                                                                     | 1     | 4                   | 2     |
| <hr/>                                                                                                                        |       |                     |       |
| 3. In general, how do you feel about busing <u>only</u> Black and Mexican American children to achieve school desegregation? |       |                     |       |
| Strongly favor                                                                                                               | 2     | 1                   | 2     |
| Favor                                                                                                                        | 14    | 22                  | 14    |
| Oppose                                                                                                                       | 44    | 40                  | 37    |
| Strongly oppose                                                                                                              | 38    | 30                  | 42    |
| Not Sure                                                                                                                     | 2     | 8                   | 4     |
| <hr/>                                                                                                                        |       |                     |       |

Source: Integratededucation, July-August, 1977.

mentioned. However, in San Diego the fear of busing was the major concern of the few parents who had reservations about magnets (Section III-5). There is nothing contained in these two studies that clearly indicates Mexican Americans as a group are strongly opposed to desegregation as is so often claimed; nor is there any particular indication that they endorse it. No firm conclusions or generalizations can or should be made from these studies.

The study of attitudes toward desegregation and one-way busing in Riverside is by far the most objective and comprehensive of the three (Russell & Nielsen, 1973). It is the only study conducted after desegregation was an established fact. Russell and Nielsen investigated community impressions of busing, the quality of education, desegregation, and a number of related topics. The study capitalizes on initial survey results prior to voluntary desegregation in 1966 and then in two subsequent years. Both questionnaires and interviewing were employed although interview results are not reported here. Only dimensions closely related (perhaps comparable) to the two other studies are presented. In the words of the researchers (pp. 105-106):

The primary purpose of this study was to evaluate parental attitude toward desegregation and busing after eight years. The study focused on twelve selected attitudinal dimensions, eight of which were evaluated in previous studies. The four new attitudinal dimensions added to the study pertained to racial problems, residential integration, assignment of students, and desegregation effects on the district and city of Riverside.

The sample included 79 Black, 131 Anglo, and 124 Mexican American **parents** of children originally included in the Riverside School Study of 1966. These were randomly selected from the 699 parents remaining in the district in 1973. It is important to keep in mind that the Riverside study is not concerned with perceptions of desegregation or busing as ideas or concepts, rather it is a "parent evaluation" by differing community segments of their childrens' ethnically balanced schools and one-way busing. It also represents the study of one of the very few cases of non-court-ordered desegregation and perhaps one of desegregation's best "success stories." Table V presents selected survey findings.

Russell and Nielsen concluded that, in general (p. 132): "...after eight years, parents with children in desegregated schools are supportive of school desegregation and busing in Riverside...." An examination of Table V clearly points out certain specific trends applicable to our analysis: that after eight years of busing; (1) the majority of all groups and about two-thirds of Mexican Americans and Blacks favor busing; (2) Anglos perceive the quality of school as slightly



Table V  
Parental Attitudes Toward Desegregation and  
Related Aspects in Riverside

|                                                                | 1967 | 1969 | 1973 |
|----------------------------------------------------------------|------|------|------|
| <hr/>                                                          |      |      |      |
| Same or fewer problems with busing                             |      |      |      |
| Anglo                                                          | 62%  | 37%  | 41%  |
| Mexican American                                               | 56   | 58   | 73   |
| Black                                                          | 69   | 72   | 67   |
| Combined                                                       | 61   | 48   | 59   |
| <hr/>                                                          |      |      |      |
| Favor busing even if only alternative                          |      |      |      |
| Anglo                                                          | *    | *    | 51%  |
| Mexican American                                               |      |      | 76   |
| Black                                                          |      |      | 79   |
| Combined                                                       |      |      | 67   |
| <hr/>                                                          |      |      |      |
| Quality of education is the same or better                     |      |      |      |
| Anglo                                                          | 87%  | 84%  | 70%  |
| Mexican American                                               | 86   | 86   | 83   |
| Black                                                          | 89   | 84   | 83   |
| Combined                                                       | 87   | 84   | 79   |
| <hr/>                                                          |      |      |      |
| Favorable to desegregation <u>before</u> school desegregated   |      |      |      |
| Anglo                                                          | *    | *    | 54%  |
| Mexican American                                               |      |      | 39   |
| Black                                                          |      |      | 67   |
| Combined                                                       |      |      | 51   |
| <hr/>                                                          |      |      |      |
| Favorable to desegregation <u>now</u> [at time of questioning] |      |      |      |
| Anglo                                                          | *    | 63%  | 52%  |
| Mexican American                                               |      | 63   | 64   |
| Black                                                          |      | 75   | 74   |
| Combined                                                       |      | 65   | 62   |
| <hr/>                                                          |      |      |      |

continued

continued

|                                                              | 1967 | 1969 | 1973 |
|--------------------------------------------------------------|------|------|------|
| <hr/>                                                        |      |      |      |
| Opposed to separate segregated schools                       |      |      |      |
| Anglo                                                        | *    | 86%  | 90%  |
| Mexican American                                             |      | 87   | 83   |
| Black                                                        |      | 89   | 88   |
| Combined                                                     |      | 87   | 87   |
| <hr/>                                                        |      |      |      |
| Favor continuing desegregation under present or another plan |      |      |      |
| Anglo                                                        | *    | *    | 92%  |
| Mexican American                                             |      |      | 84   |
| Black                                                        |      |      | 99   |
| Combined                                                     |      |      | 91   |

\*Not Available

Source: Parental Attitudes Toward School Desegregation and Busing: A Longitudinal Study. Russell, H. M., & Nielsen, R. S. Unpublished Doctoral Dissertation, United States International University, 1973.

lower and Mexican Americans and Blacks see it at about the same level; (3) a small majority of Anglos favored desegregation now (1973) while 64% and 74% of Mexican Americans and Blacks favor it; and (4) even with the preceding reservations the overwhelming majority of all groups oppose segregated schools and favor continuing the present or another form of desegregation.

In regard to Mexican American attitudes the following trends are discernable over the eight years, Mexican Americans: (1) see decreasing problems with busing; (2) strongly favor busing even if the only alternative; (3) see the quality of education as essentially constant; (4) some two-thirds did not favor it prior to desegregation, but 64% favored it in 1973; and (5) 84% favor continuing desegregation and 83% oppose segregation. While figures can be questioned, as can certain methodological aspects, two conclusions regarding Mexican American reaction to Riverside's one-way busing and balanced schools are inescapable. Chicano perceptions are in the same direction as Anglo and Blacks and usually fall somewhere in between the two. There is no indication of extreme negativism or anti-desegregation feelings.

In all candor, districts do not know much about community perceptions: the lack of objective data on community is hard to understand. Community attitudes remain a fertile field for study: such an investigation, if carefully and objectively carried out, could be of invaluable aid to planning and implementing desegregation and bilingual education. Little is being done to determine attitudes and even less is being done to cope with them.

The most comprehensive and thoughtful analysis of Hispanic reactions to desegregation was made by Jose Cardenas at the N.I.E. Conference on the topic in 1977 (pp. 62-63). His analysis of Hispanic reaction is not drawn from survey data, but rather on his long and intimate association with Mexican Americans and schools. Cardenas comments (p. 62):

Past Hispanic interest and opposition to segregation has taken into consideration not only the injustice of segregation but has reflected an awareness of inequalities of segregated facilities. In general, documentation in desegregation cases has not only shown minority children, but the assignment of minority children to separate school campuses has resulted in their being the recipients of older facilities, less playground and recreational space, a shortage of instructional supplies and equipment and a tendency toward less trained and less experienced staff.

In spite of the long track record of Hispanic opposition to segregation, there exists some

reluctance to continue complete and unqualified support for desegregating activities.

The loss of enthusiasm over desegregation efforts may be attributed to rather consistently negative experiences in the desegregation process.

He proceeds to list seven considerations (or problems) associated with minority experience and with perception of desegregation. The following paragraphs examine five of these in light of the preceding surveys, other conclusions from the literature, and data collected from field study. It is generally concluded that there is no one Mexican American perception of desegregation. Rather, each situation is distinct. The crucial determinant is the quality of the desegregation process as Cardenas so carefully states. It is strongly suggested that Mexican Americans generally favor desegregation or integration in the abstract but are greatly influenced by how they perceive the actual process. Only careful objective study in numerous communities could support or refute this supposition.

According to Cardenas, the Hispanic community's posture toward desegregation is significantly influenced by the fact that (p. 62):

The burden of desegregation has fallen upon the minority populations. As a result of desegregation efforts, minority schools have closed or enrollments have been reduced with the minority population being transported to white majority schools.

The Mexican American community in Santa Barbara, California, gives every evidence of negativism toward desegregation based on proposition.

Santa Barbara school administration is closing three predominantly Chicano schools. While not solely related to the district's desegregation effort, popular reaction focuses on it. The district's "justification" provides a brief description of the situation (Santa Barbara School District, 1979b, pp. 40-41):

Overall, Lincoln and Wilson are clearly the least adequate facilities. Lincoln with 2.3 acres and Wilson with 3.2 acres are the smallest sites and are clearly not desirable for more than a very small school population. Thus, attempts to improve these sites would lock the District into small, high-cost schools on a long-term basis. Both schools are composed mainly of one-room, sub-standard temporary buildings. Lincoln has only four permanent classrooms and Wilson has only five. Wilson has



the additional liability of a poor location due to a high noise factor created by its location adjacent to Highway 101. This poor location, coupled with the sub-standard site, makes it a very dubious long-term investment for the community. Lincoln is located between two high speed, heavily traveled, one-way main transportation arteries for the central business district of Santa Barbara. While this location makes the site a prime commercial property, it seriously detracts from its value as an elementary school site.

Neither of these sites lends itself to alternative educational uses. They might, however, be put to some other public use. If no other public agency contemplates a use for these sites they can profitably be returned to the property tax rolls and used for commercial purposes. The District is legally required to offer the sites to other public agencies and may do so at full market value.

From the standpoint of ethnic and socio-economic segregation both schools are located in areas where there are high concentrations of minority and low socio-economic school populations. The attendance area around Lincoln is approximately 87% minority [almost all Mexican American]. If this school were to remain open and house its neighborhood population the school would exist as the most ethnically segregated school in the District. The only way to relieve this school would be to bus students out of this school so that others could be bussed into the school. This two-way bussing is twice as expensive as it would be to close the school and provide transportation to another school. In addition, it is doubtful if such a plan would work on a long-term basis. Theoretically, Roosevelt and Lincoln should have identical populations now, since they both draw from the same attendance area. However, this year Lincoln is 64% minority and Roosevelt is 43%. This is an indication of the fact that such a two-way bussing will not solve the problem on a long-term basis. Wilson is 68% minority [almost all Mexican American] and presents the same problem as Lincoln in terms of doing anything about its highly segregated student population.

Thus, the inadequate sites and physical plants, the value of the sites for commercial purposes and the segregated student population all lead to the conclusion that serious consideration should be given to closing these schools.

The situation in McKinley School is somewhat different (pp. 41-42):

The site and physical plant at McKinley are adequate and give no reason to consider closing the school. The District spent over \$300,000 remodeling the school several years ago. The building and grounds present an attractive physical appearance and the site is reasonably well located. However, McKinley is recommended for closing for several reasons. First, it is an ideal facility and location for the Continuation High School. With a greatly reorganized program and educational philosophy, the Continuation High School is expected to function as a small specialized high school for 300 to 400 students. This is approximately the capacity of McKinley used as a high school. The location adjacent to the Community College has many program advantages for a school whose mission is to assist students that need additional adult guidance and direction in order to have a successful educational experience during their high school years and to subsequently make the transition into additional training or employment with as much personal success as possible. A third advantage of using McKinley for an alternative education purpose is that should a sudden increase in elementary school enrollment occur, McKinley could be converted, at little expense, back into an elementary school facility. Thus, the District would be able to make good use of the facility and at the same time maintain it for possible future use as an elementary school.

A further reason for closing McKinley is that it is the District's most segregated school, socio-economically....McKinley ranked highest in two of the indicators of socio-economic level and second in the third. 64% of the children receive free- or reduced-price lunch because of family poverty. 34% of the children are supported by public welfare. 68% of the children read below the 50th percentile. The school's sixth grade reading score last year was at the 14th percentile for the State and the math score was at the 15th percentile. [The school is 64% Mexican American and 5% other minority.] Both of these scores are the lowest achievement records of any school in the District.

The Mexican American community is particularly negative toward the closing of these schools for numerous reasons; most of which coincide with others suggested by Cardenas. Paramount among these is that Mexican American children will be the ones bused to what are viewed as middle-class Anglo-dominated schools. However, Mexican Americans are most upset by the manner in which the decisions to close the schools were made. The district is charged with little concern for the feelings of the Chicano community, of not soliciting

input or seriously considering alternatives proposed (Ramirez, 6-3-79; de Nicochea, 6-2-79). According to all interviewees, the method of publicizing the closing and communicating with the community was very poor. According to the Mexican American leaders interviewed, actions were authoritarian and racist in nature demonstrating a total disregard for the feelings of the Hispanic community. As one put it, "The Mexican American community is being treated as second-class citizens."

The situation is agrimonious. Three lawsuits are reported pending. One is to be heard in August of 1979. This case (A geles v. Santa Barbara School District, 1979) is brought by Channel Counties Legal Services Association, a public service firm. Their civil rights suit seeks both declaratory and injunctive relief and damages, principle issues involve allegations that:

...the burdens of closing schools are discriminatorily imposed upon them as prohibited [by the federal and state constitution and civil rights legislation] which guarantees due process and equal protection of the law and prohibits any discrimination or denial of benefits on the basis of ethnic group identification. (p. 1)

The complaint elaborates the charge of discrimination as a violation of substantive due process:

The conduct of the defendants, has caused the exclusive burden of school closings to fall upon the plaintiff students and parents of students who attend the three schools herein whose enrollments are predominantly minority and predominantly Hispanic. The defendants, and each of them, have not required the closings of any schools which have predominantly non-minority and non-Hispanic enrollments.

The closure of Lincoln, McKinley, and Wilson elementary schools, which are all located adjacent to each other, leaves a large and substantial Hispanic community without a neighborhood school unlike other areas of the school district.

Other charges under the due process rubric are discussed as they relate to other of the Cardenas "considerations." Suffice it to say that if a survey of attitudes were taken in the Santa Barbara Chicano community, the greatest percentage would strongly disapprove of desegregation. Regardless, the question remains, is negativism due to desegregation and the closing of schools to accomplish it or the manner in which the action was taken.

On this point reference is made to Table IV and the

survey results in Riverside. In this instance the Mexican American community, originally quite negative toward desegregation, is currently positive to one-way busing and ethnically balanced schools. Desegregation in Riverside included an equally acrimonious period during which the Casa Blanca community actively resisted busing and the closing of its neighborhood school (Hendrick, 1968; Berry, 1978). Subsequent reversal of opinion to favoring one-way busing and balanced schools can be attributed to a multitude of forces. Those interviewed stressed the efforts made by the district to be equitable, communicate openly, support programmatic aspects, etc.

A similar situation may exist in Pasadena, another California district with a long and well-established desegregation effort based on two-way busing to reach ethnic balance. School district interviewees support the notion that "... Mexican American leadership is very pro-desegregation" (Wyatt, 6-1-79). A high level of trust between the school district and the Chicano community is essential, according to Pasadena's Superintendent, this accounts for desegregation's acceptance (Cortinas, 6-1-79).

However, a consultant reviewing the "positive" Riverside data proposed that people always favor the status quo. Acceptance of this as a sufficient explanation violates much known about social change and the forces causing it. Underlying conditions contribute to both perceptions and actions.

No other district studied presented such clear-cut examples as did Riverside and Santa Barbara. The San Diego survey did ask a "busing question" (Table III, No. 3) the Mexican American response is not unlike others: 46% approved, 42% disapproved, and 12% were "not sure." However, it must be remembered that responses were to the notion of receiving "a better education" outside of the neighborhood. Regardless, the responses in the Los Angeles Survey (Table IV, No. 2) were not dissimilar except when asked about one-way busing (No. 3). In this case, all ethnic/racial groups strongly oppose it including the "White" group.

Reaching any conclusion based on available data is impossible. However, the nature and quality of efforts to desegregate must be considered in any study of attitudes toward it.

A second consideration influencing Hispanic reaction is (Cardenas, p. 62):

The reassignment of minority pupils to other schools will inevitably lead to the minority pupil becoming a minority in each of the desegregated schools. Community personnel enjoyed wide powers in the decision making, staffing and operation of



segregated, predominantly minority schools. Such prerogatives vanish when the minority population is dispersed.

Here the Santa Barbara situation must be cited again. Interviewees (de Nicochea; Pulido; Garza, 6-2-79) stressed this consideration, elaborating particularly on one of the three schools where the Parent Advisory Committee (PAC) as well as informal parent input was very strong. It was also mentioned that this school had a strong Mexican American bilingual education staff. No such involvement was seen possible or probable in the school to which children were to be bused. This was considered to be the "deeper problem" by de Nicochea, who felt the district had done little or nothing to encourage the belief that parent input in the new schools would be welcomed.

Tucson provides an example of "sense of control" over a school. One elementary school principal reported a tremendous "sense of ownership" and a desire to maintain a *barrio* school (albeit imbalanced) (Martinez, Tucson, 4-18-79). Part of the stipulation in the Tucson desegregation case was that the parents could determine the future of specific schools. Section 5 states (Mendoza v. Tucson, 1978, p. 3):

Commencing immediately, the Defendants shall implement a process for parent participation to examine the future student assignment patterns for Davis, Drachman, and Carillo Elementary Schools. The public process shall consider whether these schools should be closed, consolidated or continued and make recommendations to Defendants on educational specifications for either the continuation of the schools or the construction of a new elementary school(s) in the inner city [*barrio*]...

Wholehearted support and strong community involvement to this end is reported in Drachman School. Unfortunately, an enormous amount of ambiguity surrounds Section 5, particularly the "determining educational specifications" clause. Efforts were reported to have been made to procure district interpretation but none was forthcoming. Interviews with two district executives were equally non-productive in this regard.

Two "considerations" are best combined for our analysis. Cardenas argues these two points significantly influence Hispanic perceptions:

The implementing of desegregated court orders has not been preceded by an adequate program to prepare the schools for change. A careful analysis of desegregating activities indicates a consistent

failure to prepare staff and children for the transition being made in the desegregating processes. Teachers in desegregated school systems consistently voice their concern over the school systems' failure to adequately prepare them to handle a clientele with different language, culture, economic class characteristics, and mobility patterns entirely different from what they have experienced in the past.

School districts have consistently failed to reorganize effectively in order to continue and enhance programmatic activities commonly implemented in segregated schools.

These concerns clearly manifest themselves in Santa Barbara. The lawsuits specifically cites related allegations in its "fourth cause of action" (Angeles v. Santa Barbara School District, 1979, p. 16):

Pursuant to the guidelines adopted by the United States Department of Health, Education and Welfare, school districts receiving federal financial assistance are also required to take affirmative steps to rectify the language deficiencies of limited English-speaking pupils by providing an appropriate program in a language understandable to said pupils. Defendant District has approximately 448 limited English-speaking ("LES") students and 152 non-English speaking ("NES") students. Of this total, nearly one-half of the LES/NES students are enrolled and attending Lincoln, McKinley and Wilson elementary schools. Approximately 280 students of said schools are presently receiving, pursuant to state and federal mandates, bilingual instruction to meet their educational needs.

Defendants' closure of Lincoln, McKinley, and Wilson elementary schools and the dismantling of bilingual education program therein discriminates against the Hispanic students, with particular educational harm to the LES/NES students receiving bilingual education programs at said schools, and violates plaintiffs rights pursuant to Title VI of the Civil Rights Act of 1964...its implementing regulations...and the guidelines adopted by the United States Department of Health, Education and Welfare.

Interviewees concurred that the district's failure to adequately prepare receiving school staffs, or to "guarantee" the continuance of bilingual education are major problems. No bilingual program exists in the receiving school and no safeguards have been established. The relatively strong

bilingual staff and established program at Lincoln school will probably be lost. No commitment to move either staff or program to Roosevelt has been made (de Nicochea, Santa Barbara, 6-3-79. This same interviewee said the "threat of loss of influence and power" is a major factor.) De Nicochea contended that "bilingual education is actively being resisted by Roosevelt faculty, staff and perhaps the Anglo community." No survey data is available to indicate Mexican American community perceptions but the overwhelming conclusion of interviewees was that such conditions contribute to a general negative view of district actions and thus desegregation. There is every reason to concur with their appraisal.

There appears to be a more generalized Mexican American distrust of desegregation; this revolves around a number of notions:

(1) Fear of leaving the "security" of the predominantly Mexican American community and school and being thrust into a hostile Anglo school and community;

(2) The strong sense of belonging to a recognizable ethnic community and the desire to maintain both Spanish and Mexican traditions; and

(3) The belief that bilingual education is a program exclusively for LES/NES (thus Chicano) children and that such programs can best be implemented in a *barrio* school.

It is often difficult to separate out the individual concerns during interviews or from written material. For example the statement by Judge Ramirez in Houston (Trombley, 1977a, p. 93):

Mexican Americans in general want to go to Mexican American schools and to hell with HEW guidelines or Supreme Court decisions. I don't personally agree with that but the great majority of the Mexican American community feels that way.

Many respondents made similar statements but found difficulty in being more analytical.

A number, however, clearly addressed the first two "notions:" Pulido particularly addressing the second commented (U.S. Commission on Civil Rights, 1977a, p. 19): "...the Mexican American community opposes desegregation [because] parents are afraid that their children will lose their cultural background and be at a worse disadvantage in a white school." A current interview with Pulido reinforces these previous statements (Santa Barbara, 6-3-79). The Director of Bilingual Education in San Bernardino recognizes such a fear of leaving and loss of culture within the Mexican American community (Rocha, 5-17-79). A community leader in

Tucson concurred (Sanchez, 4-19-79), "...the *barrio* is *como una familia*." There is no doubt that 'fear of leaving' the *barrio* is a valid interpretation of that community's feelings. A number of district-level administrators were very aware of and recognized its importance. The Associate Superintendent in Riverside commented (Lantz, 5-13-79), "The syndrome of *barrio* life is most important to understand: to some it is more comfortable...the sheltering aspect of *barrio* life and its appeal must be considered." The previous superintendent commented that bilingual education as a strong (Berry, Riverside, 5-14-79), "...Mexican program reinforces the *barrio* life and the fear of leaving it"...for the potentially unknown and 'hostile' Anglo dominated school community. Recognition that *barrio* life is at once a place of confinement and a refuge seems to be recognized by those on both sides of the desegregation issue. Fear of loss of language and culture can and is a real concern among many. The degree and nature of this fear is unknown but many interviewees saw it as a major impediment to desegregation. This concern was particularly voiced by those who see bilingual education as a maintenance (or restorationist) program. De Nicochea appeared to reinforce this position (Santa Barbara, 6-3-79): "I think you need a powerful minority presence to make bilingual education successful." It can be argued that such a "presence" is beneficial, regardless of program.

Community perceptions related to these issues are very difficult to determine. Surveys provide little assistance. The San Diego study found the Hispanic community most positive to their neighborhood schools of all groups except "Pan Asians." It also found Chicanos to have the least reservations about magnet schools, and very little or no concern about: "unfair treatment," "conflicting social and cultural values," or "lack of safety." However, "transportation," having to go by bus, was given by 10% of Mexican Americans as a major reservation. However, this was not as high as among Anglos or Asians.

The real world continues to provide conflicting responses. However, there is no doubt the Mexican American community is wary of desegregation and concerned about keeping their neighborhood schools. Perhaps the most perplexing situation is the almost complete lack of objective data on community perceptions. Such data is essential if districts are to understand local situations. Without such information a district can not cope adequately or design an appropriate comprehensive plan.

In summary. The almost complete lack of comprehensive planning that involves an objective knowledge of all aspects of the district is regrettable. No district studied had a plan that even superficially considered the multitude of social, economic, political, cultural, and linguistic factors essential to designing present programs and planning into



the future. Neither time nor adequate resources are devoted to such endeavors. Rather, districts, even the largest, appear to respond in the most expedient, easiest and least disruptive manner to court demands. Almost invariably "plans," such as they are, are developed and implemented by district staff: a condition that is seen as not productive of the type of comprehensive, multi-dimensional, and creative formulations required. Of particular concern is the lack of an objective planning base relative to community perceptions.

Comprehensive planning and implementation of desegregation must be objectively studied and analyzed by competent social scientists. This is equally true of community perceptions. Hopefully, such study will provide a framework within which better comprehensive planning is possible.

### Bilingual Programs Within the Master Plan

Bilingual programs must be an integral part of a district comprehensive educational plan. They should be perceived not solely as another governmentally-mandated program, but as an integral part of district efforts to establish equal educational opportunity. In reality, such a situation is rarely encountered: most often bilingual education is merely "tagged onto" existing "standard schools" as a required compensatory education program. Rarely is there district-wide commitment to the program, most often it is perceived and acted on as a "Mexican program for Mexican kids." Contemporary negative findings as to bilingual education's ability to improve academic achievement contributes significantly to district and community negativism. Transition bilingual education is almost universally the type studied, unfortunately negativism is usually transferred to all program types.

The need for careful planning has long been recognized by those involved. Milan wrote in 1978 (pp. 38-39):

This constant fear of having our programs dismantled by a desegregation order is something we are going to have to face. More to the point; we must learn to deal with it...The key to success is, of course, long-range planning. We must be able to anticipate when and where desegregation concerns are going to begin to affect the configuration of bilingual programs. And we must be prepared to offer either a legal or a pedagogical answer to the problem before it grows out of proportion. Such feelings have not engendered much action.

Study and analysis of the planning and implementation of bilingual education is even more slighted than are similar efforts regarding desegregation. Only two articles (Arias, 1979; Nadeau, 1979), both unpublished, specifically deal with planning for bilingual education in desegregated settings. No study has been found that analyzes the effectiveness of

planning or implementation; however, the evaluation of Los Angeles magnet schools does provide useful insight regarding bilingual education (Los Angeles Unified School District, 1979).

Every district studied has some form of bilingual plan; a Lau Plan, ESSA, or Title VII. These are restricted to a description of bilingual program organization and rarely treat it as an integral segment of desegregation. Riverside, Pasadena and San Diego are exceptions. Riverside and Pasadena are districts that approach ethnic balance. Thus bilingual education, by force of circumstance is implemented within desegregated settings. San Diego is designing bilingual education into "voluntary desegregation;" theirs is mostly a plan yet to be implemented. Regardless of lack of integrated master plans insight into planning problems was gleaned from interviewing and reviewing the exceedingly limited literature.

Bilingual education "philosophy." The existence of a firmly established point of view, "educational philosophy" or set of goals and objectives in regard to bilingual education is essential. A clearly non-ambiguous well-defined policy is the foundation upon which programs can be organized and curriculum developed. Most often such a firm position is lacking: curriculum and organization develop incrementally with little relationship to goals. This common situation encourages reliance on the ambiguous and confusing directions emanating from government. It is strongly suspected that almost sole reliance on such "governmental mandates dilutes district efforts." All districts have some form of bilingual education policy but in most cases it reflects the minimum required by regulations.

The type of bilingual education planned and implemented has a great influence on the success of desegregating a school. Some programs are very attractive to Anglos and Blacks. Most are not. A recent "state of the art" study in California addressed the role of bilingual education *vis-à-vis* specific populations. Four "working papers," one addressing children who are; LES/NES, truly bilingual, language minorities but fluent English speakers, and minority group or Black, were developed. In each case experts were brought together for a complete review and revision of the working papers. The author of this study contributed the chapter on "Bilingual Education and the English Speaking Minority." The experts reacting to and modifying this paper were: Chuck Acosta, Beatriz Arias, Russell N. Campbell, Victor Cruz-Aedo, Maria Teresa Delgado, Adel Nadeau, and Alberto Ochoa. The total work is tentatively entitled Proceedings of California Convocation on Bilingual Programs, Policy, and Assessment Issues. The issues treated in the "English Speaking Minority" portion directly bear on the concerns of this section (Carter, in press). The relationship between "philosophy" and programs is unfortunately rarely direct. Regardless of stated goals,

transition, maintenance, enrichment or restorationist, the actual operating program determines its attractiveness to the "English speaking majority." This is crucial as bilingual education is voluntary.

The Study of California bilingual education found that the vast majority of programs, regardless of stated goals, were transitional and compensatory. They share all or most of the following characteristics:

1. Are very short-term efforts; only a very few extend past the third grade.
2. Are an instructional program; a part or segment of the total school activity which represents only a portion of the child's school day. They comprise a section, a period, or a planned activity. Bilingual education is a component of school and district only, not a total organization effort. (Sometimes it is merely a period of some variation of E.S.L.)
3. Involve mostly minority group children. Perhaps 90% are from LES/NES, Bilingual or English language dominant groups. Some 80% are of Mexican (or other Hispanic) origin or descent. This includes, Chicanos, who are non-English speakers, bilinguals in varying degrees, or are monolingual in English. Many are from low income communities. The vast majority of English speakers are Mexican/Americans. Ethnic imbalance characterizes most programs: many schools with bilingual programs are out of ethnic balance and must be considered segregated.
4. Are almost invariably located in economically depressed neighborhoods, the vast majority in Chicano *barrios*.
5. Are mostly staffed by members of the linguistic minority group. However, many certified staff are not fully proficient in the student's mother tongue. Very often the aide is the only proficient speaker of the other language. Very often neither the teacher nor the aide are fully literate in the other language. Certified staff are most often newly-employed and non-tenured. Both certificated and non-certificated tend to occupy non-institutionalized "soft-money" positions that will be lost if special funding disappears.
6. Employ two languages; however, English predominates. The other language is minimally employed. It serves as a "bridge" to reach English proficiency. The other language is neither used often enough nor for a sufficient number of school years to encourage its learning.
7. Tend to superficially treat and minimally include the other cultural tradition. Very little time is devoted to the other culture; when included in the planned learning

activities the other culture is usually portrayed in its romantic and stereotyped form. Bilingual/bicultural activities are permeated with activities emphasizing folkish customs, national holidays, *fiestas*, dances, traditional costumes, and typical food items. Other, more profound, aspects of the very real and viable culture are rarely included. Regardless of quality, the quantity of the other culture in the formal curriculum is minimal. As with the language, the other culture is rarely intended to be learned; rather, it is another "bridge" to facilitate cognitive and affective development.

The California policy study of bilingual education addressed the major issue (Carter, in press\*):

What do English dominant [Anglo and Black] youngsters from majority linguistic backgrounds contribute to and expect to gain from such programs? In one sense, the English-speaking...students are an important component of the formal curriculum in all compensatory programs....The English-speaking majority group is considered to provide models of: English language usage, as components of dominant values, and in general examples of the dominant culture. Their presence is seen to represent the majority group's recognition [and] acceptance of the other language and culture. This is believed to enhance the ethnic pride and self-concept of LES/NES...youngsters, and in contributing to improved affect and cognition. In a very real sense, the English-speaking...group attendance in transition compensatory programs functions to aid the other students, whether it does so is unknown.

Such programs are generally unattractive to Anglo and Blacks; they offer little chance of learning either the language or the culture. As with most compensatory programs, they are for poor children living in low socioeconomic areas of town and often attending poor quality schools. Such programs in such circumstances have very low prestige and find great difficulty attracting volunteers to desegregate a program or a school. This is true whether the desegregation demanded emanates from Lau, ESSA, or Civil Rights Act sources, or from a court order.

On the other hand, programs organized according to more maintenance or enrichment objectives can and do encourage Anglo and Black volunteers. The California analysis found a very few such programs. These appear to offer high prestige

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\*No page references can be given as the proof copy did not include them.



and attract significant numbers of volunteers. Such programs approach ethnic balance. The study estimated that no more than one or two percent of bilingual programs in California share the following distinctive characteristics:

(1) English and the other language [almost invariably Spanish] are given approximately equal importance and emphasis. About half of instructional time is carried in each language: while variations in emphasis is great, overall equal usage of each language is approached.

(2) They are relatively long-term efforts; an articulated K-6 program is characteristic.

(3) There is a tendency to reflect and incorporate both cultures in the formal curriculum. There is a similar tendency to realistically portray the other culture: the "fantasy heritage" is less obvious.

(4) There is a tendency to make bilingual education a combined community and school effort. It is more than a segment or a program: more than an instructional program. It influences all institutional aspects...

(5) The schools or programs approximate the racial, ethnic, linguistic, and socioeconomic composition of the area served. These are not programs serving solely or mostly the disadvantaged. All groups participate.

As with the other programs, there was no single organizational pattern that incorporated all these characteristics. Probably no one program contained them all. Schools that incorporate all or most of these components can realistically function to reach enrichment objectives; bilingualism, biliteracy, cultural understanding and acceptance, and the ability to successfully function in two cultural settings. Programs organized and functioning in this manner approach or do reach ethnic balance. Such programs usually have high prestige and are attractive to the English-speaking numerical majority.

Regardless, most programs fail to attract the English-speaking majority. Beatriz Arias\* reflects on Anglo participation in Los Angeles (unpublished paper, 1979):

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\*Dr. Arias is an Assistant Professor of Education at U.C.L.A., a member of the "Experts Committee" in the Los Angeles desegregation case and a principal consultant to this study.

While the Crawford decision does not require racial balancing, it would be possible to maintain the critical mass of LES/NES students in an integrated classroom with the remainder of the students comprised of other white students. However, the district has failed to attract English speaking children into bilingual programs. This has probably been due to the fact that bilingual education has been characterized as a compensatory education program, and Anglo parents have been reluctant to enroll their children in such a program. However, at a time when more than half the children now born in Los Angeles and a large proportion of the children throughout Southern California are Chicano, it is important that school officials emphasize to English speaking parents the value of bilingual skills in the future society and economy of California. Bilingual education programs offer a unique opportunity for English speaking students to interact with native speakers of Spanish and learn a second language at an early age. Additionally, native English speakers provide valuable language models for the LES/NES students [and vice versa]. Bilingual magnet centers could provide such curricular programs with the goal of maintaining an inter-racial enrollment.

Recognizing these issues and others, Adel Nadeau\* stresses the importance of desegregated programs (unpublished paper, 1979, p. 2; see Appendix B):

Bilingual education as a basic educational program should not be compensatory in nature and is therefore not solely for the minority learner. Many of the critics of desegregation programs for minority language students are the same individuals who speak out against compensatory, transitional type bilingual programs. Yet they claim that segregated programs are necessary in order to provide the skill development necessary in the prime language of the student. I would venture to say that educators close to the classroom will verify that segregated programs are the most compensatory in nature. They are usually viewed as remedial with little connection to the regular school program, since they do not include majority students. Why should majority students be included? Since language status, socioeconomic level and teacher

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\*Ms. Nadeau is a Coordinator of Bilingual Education for the San Diego Unified School District and a noted authority on the subject.

expectations have a great deal to do with poor achievement and self-concept on the part of many limited- and non-English speaking students, it seems the question to be asked is, what kind of program can begin reversing these negative phenomena; a program that is inherently a change agent, that is basic education for all students and which, of course, includes majority students... It is not simply a question of the physical participation of majority students, but of the strategies, curricula, and attitudes in the integrated setting which can serve to drastically raise the status of the minority languages and the expectations for the speakers of those languages.

Nadeau argues conclusively against transition-compensatory programs for a number of reasons: one of which is that they are programmatically weaker without Anglo participation, that Anglos have much to gain in enrichment programs, and that desegregation is impossible without representative community involvement (p. 3). "Assignment of students to form integrated classes should be the objective of bilingual classes and does not necessarily cause a disruption of the program but can be an educational enhancement...."

Addressing the larger issue of social integration, Orfield elaborates (1977, p. 52):

Can you really have a bicultural program in a monocultural setting? Can you really deal with stereotypes in the society when you are only teaching the cultural contribution to Hispanic children and you are not teaching it to the dominant group in the society that is oppressing Hispanic people? It seems to me there is a real argument to be made that it would be much more beneficial for this community and for the other communities involved to have a bicultural or tricultural program in an integrated setting rather than a segregated one.

The possibility of bilingual/bicultural education in an integrated setting hinges on what type of program is required by regulation and what is implemented by districts. At present, the probability of desegregated bilingual transition programs is slight. The possibility of enrichment programs increasing is also slight. However, such programs are planned in San Diego; whether they fully materialize under the existing implementation remains to be seen.

The critical mass. The nature of the bilingual program determines other factors also: program characteristics determine the number of students desiring or needing to

participate. The maintenance of a "critical mass" of students facilitates bilingual education within desegregation. Arias comments on the Los Angeles situation:

One important component necessary for the implementation of a viable instructional program for LES/NES students is establishing and maintaining a critical mass of LES/NES students. (Some suggest a minimum of 20 LES/NES.) For organizational purposes (it is easier to conduct a classroom with at least  $\frac{2}{3}$  LES/NES) and for instructional purposes (LES/NES students need to have English language models) the notion of a critical mass of students helps to structure the implementation of bilingual instructional approaches. Consequently, in identifying students for reassignment, the first recommendation in a desegregation plan is that students be selected on the basis of their instructional needs. That is, instead of randomly selecting students for reassignment based on birth date, or alphabetical order (as was initially done in Los Angeles), consideration must be given to whether the student has been identified as LES/NES. Following this, it is then possible to insure that at least 20 LES/NES students are present at each grade level in the receiving or sending school. It is essential to avoid those situations where the critical mass existing at a particular school is disrupted due to desegregation efforts.

A critical mass of LES/NES students facilitates desegregation. This "mass," the number of LES/NES students, is determined within a district by the method it employs and the objectives of its efforts in assessing language English ability or proficiency. No area in bilingual education is more confused or changing (see Table II or Hiller & Grossman). This in turn is influenced by a district's definition of bilingual education and commitment to implementing related approaches. The concept of critical mass is enlarged if it includes those Anglos desirous of participating in the bilingual program with the LES/NES or minority children.

The "critical mass" is also influenced by the definition of "exit criteria." District determined level of proficiency required to leave a bilingual program and be assigned to a "mainstream" class can either limit or enlarge the number of LES/NES students. No firm guidelines or "exit criteria" have been established in either state studied. Students are presently exited from bilingual education at the almost sole discretion of districts. Both what is required to enter and exit are in official limbo. Both determine the "critical mass" on number of LES/NES children. However, in most cases districts act to exit students in as short a time as possible: few transition programs consist of more than three school



years: the majority K-3. Definition and implementation of longer "enrichment programs" increases the critical mass as many seriously LES/NES children would opt to remain to gain greater command of their own language and home culture, as well as English and the dominant culture. Strict reliance on the transition approach limits the number of LES/NES, Anglo "volunteers," as well as the duration of programs. All are significant concerns in planning desegregation.

The major problem in implementing bilingual education in desegregated classrooms, programs, or schools is not the assumed conflict of directives, or even the very common confusion encountered. Rather, it is that most districts implement it as a minimum low-quality effort to teach LES/NES children English as quickly as possible. In this they follow the essential and basic mandate of both state and federal government: to offer a transition/compensatory program. While California and Arizona permit and encourage steps beyond this approach the majority of districts comply, at best, with the minimum requirements. Transition-compensatory programs offer little to those groups whose presence is necessary to eliminate segregation. Community attitudes toward bilingual education tend to support this situation and thus encourage district policy and/or commitment to transition-compensatory "philosophy and programs."

Community perceptions of bilingual education. The manner in which a community perceives bilingual education is a principle determinant of district "philosophy," commitment, and operationalization. Yet very little is known about it. While there is no universal attitude, three generalizations seem reasonable. Vocal conservative elements, whether Anglo or Mexican American, favor transition programs (perhaps E.S.L.) as the only acceptable variety. The Chicano community agrees but also, with varying emphasis favor; enrichment, maintenance and restorationist programs. The less vocal more moderate Anglo community would probably agree on the first two and reject restorationist philosophy.

Only one district, San Diego, carefully studied the Anglo, Black and Chicano preferences for magnets. (This was a segment of the "desegregation survey" described earlier.) While somewhat ambiguous in its description of magnets, results tend to support the notion that the enrichment model has substantial support. Table VI provides the first and second choices of the three or four most popular alternatives. There is confusion in choices at the elementary level: The San Diego "Bilingual" program as described is essentially transitional-compensatory; the "language school" is more enrichment. At the elementary level 36% of Mexican Americans favor the bilingual school as their first choice. A negligible number of other groups do so: the number is very small and may be presumably due to misunderstandings. On the other hand, the number opting for the more enrichment "Language"

Table VI  
San Diego Magnet School Survey 1977-78

|                                                 | <u>Black</u> |            | <u>Mexican<br/>American</u> |            | <u>Asian</u> |            | <u>Anglo</u> |            |
|-------------------------------------------------|--------------|------------|-----------------------------|------------|--------------|------------|--------------|------------|
|                                                 | <u>1st</u>   | <u>2nd</u> | <u>1st</u>                  | <u>2nd</u> | <u>1st</u>   | <u>2nd</u> | <u>1st</u>   | <u>2nd</u> |
| Elementary Magnets (by first and second choice) |              |            |                             |            |              |            |              |            |
| Fundamental school                              | 36%          | 12%        | 16%                         | 10%        | 28%          | 12%        | 31%          | 10%        |
| Language school                                 | 14           | 16         | 16                          | 11         | 15           | 11         | 10           | 10         |
| Math/Science                                    | 10           | 13         | 6                           | 16         | 21           | 18         | 10           | 14         |
| Bilingual                                       | 4            | 7          | 33                          | 12         | 1            | 4          | 3            | 8          |
| Secondary Magnets (by first and second choice)  |              |            |                             |            |              |            |              |            |
| Fundamental school                              | 29%          | 6%         | 21%                         | 5%         | 26%          | 11%        | 26%          | 8%         |
| Intercultural/Language                          | 3            | 7          | 15                          | 14         | 4            | 4          | 4            | 6          |
| Math/Science                                    | 17           | 10         | 13                          | 17         | 24           | 9          | 15           | 14         |

Source: Evaluation of the San Diego Plan for Social Integration. San Diego City Schools, 1978.

school is significant for all ethnic groups including Anglos. San Diego offers no transition magnet at the secondary level; the program is described as enrichment. In this regard the "intercultural/language" magnet seems to appeal less to all groups but still strongly to Mexican Americans.

The obvious demand particularly at the elementary level should logically manifest itself in programs. Whether San Diego implements bilingual education programs within its "voluntary desegregation" in a manner supportive of parent wishes and the elimination of ethnic isolation remains to be seen. Little known about Los Angeles magnets suggests that parent wishes do not materialize into programs at least as far as bilingual education is concerned. Some 18,000 parents desired bilingual education: the first year of operation two magnet strands were opened in the *barrio*. They served some 200 students (L.A. Unified School District, 1979).

While bilingual education appears to have significant support within a fairly broad spectrum of the San Diego community, there is outspoken reaction against all but minimum transition programs. Very recently the Education Committee of the San Diego County Grand Jury took upon themselves, for inexplicable reasons, the investigation of bilingual education in the country. After a reportedly superficial and biased investigation, the jury published a report highly critical of bilingual education and almost inflammatory in tone. In addition to numerous other specifics, they concluded (San Diego County Grand Jury, 1979, p. 27):

Mastering English and learning to function in the American Way of Life are the obligation of every immigrant who **chooses to live** in this country.

The responsibility of **the public schools** is to educate all children to be fully functional in English.

It is not the responsibility of the public schools to preserve and teach the cultural heritage and customs of a single ethnic group but rather to teach all children about all racial and ethnic groups. This is perhaps best expressed by Noel Epstein who writes that cross-cultural activities should be based on the concept of teach "each about every" rather than "you about yours."

The Grand Jury appears to see bilingual education as solely a restorationist program and assumes Epstein concurs. They continue and conclude by recommending, among others (p. 29):

(1) That bilingual instruction in the student's native language must be transitional and limited in time and scope.

- (2) That ESL instruction be provided only until students are functional in English;
- (3) That bicultural education be discontinued;
- (4) That federal, state and local agencies review and restructure bilingual education;
- (5) That federal, state and local agencies review and restructure funding of bilingual education and make reductions as appropriate; and
- (9) That bilingual programs which do not provide results [raise achievement and teach English] be revised or discontinued.

The degree San Diegoans in general reflect or hold such views is unknown and totally beyond the scope of this study. Regardless, similar comments emanating from educators are very common.

Supportive of this conservative view endorsing transition-compensatory approaches is the general belief that bilingual education is divisive. Berry, the ex-superintendent of Riverside commented (5-14-79) that many see "Bilingual education as becoming a Mexican program" not something for all children. There appears to be a mounting rejection of bilingual education on the part of many community elements. This is reported by Berry and others interviewed. Two recent public statements may contribute to, or at least reflect, community perceptions in California and Arizona. Both react to basic misunderstandings of objectives and curriculum.

The judge's closing remarks in the Guadalupe case in Tempe, Arizona, can be seen as representative of a large, and probably, increasing population who oppose anything perceived as promoting cultural diversity. While such is certainly not the federal or state bilingual education mandate, it is the position taken, or assumed to be taken, by advocates of maintenance or restorationist programs. In the ruling the judge reacted to the plaintiffs' contentions of their legal entitlement, in rejecting their claims, he commented (Guadalupe Org v. Tempe, 1978, pp. 1024-1025):

We reach this conclusion fully aware of the serious nature of the appellants' contentions. Our analysis returns us to the foundations of organized society as manifested by the nation-state. We commence by recognizing that the existence of the nation-state rests ultimately on the consent of its people. The scope of this fundamental compact may be extensive or limited. Its breadth fixes the effective limits of government by the nation-state.

Linguistic and cultural diversity within the



nation-state, whatever may be its advantages from time to time, can restrict the scope of the fundamental compact. Diversity limits unity. Effective action by the nation-state rises to its peak of strength only when it is in response to aspirations unreservedly shared by each constituent culture and language group. As affection which a culture or group bears toward a particular aspiration abates, and as the scope of sharing diminishes, the strength of the nation-state's government wanes.

Syncretism retards, and sometimes even reverses, the shrinkage of the compact caused by linguistic and cultural diversity. But it would be incautious to strengthen diversity in language and culture repeatedly trusting only in syncretic processes to preserve the social compact. In the language of eighteenth century philosophy, the century in which our Constitution was written, the social compact depends on the force of benevolence which springs naturally from the hearts of all men but which attenuates as it crosses linguistic and cultural lines.... Multiple linguistic and cultural centers impede both the egress of each center's own and the ingress of all others. Benevolence, moreover, spends much of its force within each center and, to reinforce affection toward insiders, hostility toward outsiders develops.

In legalistic jargon, and perhaps including serious errors of reasoning, the judge placed into the judicial record the arguments of many. He takes the position that it is not the role of government to sponsor, in Epstein's phrase "affirmative ethnicity." While it is possible to reach other conclusions from the confusing mandate, there is no reason to question the primacy of transition goals in the government mandate.

Interestingly, those that advocate restorationist, and often maintenance, objectives and programs see no need to desegregate either classes or schools. They often align themselves politically with conservative community elements that see the most efficient way of teaching English to be in separate Mexican American classrooms or schools. Nadeau, after an exhaustive description of bilingual education and desegregation difficulties, concluded (1979, p. 1; Appendix B):

...discrepancies are political and economic in nature....from an educational viewpoint these factors need not adversely affect the programs. In the opinion of the writer, bilingual education and integration cannot be separated. Viewing

these programs as distinct is the mentality that has often crippled bilingual programs for many years.

From personal knowledge it is certain that Nadeau would agree with the other conclusion possible. Politics and economics play a paramount role in educational decision making. They can not and should not be discounted.

Staff resources. The nature of district philosophy determines staff needs, a transition program demands certain kinds and number of staff. An enrichment program requires other types and certainly a larger number, as such a program is of much longer duration and involves more staff. A de-segregated system requires ethnically mixed staff as well as students: regardless of whether balance or isolation is employed in the definition. Such realities should be explicitly treated within the master plan.

Qualified bilingual staff should be protected. The master plan provides an excellent place to establish policy on RIF procedures. Reduction in force should be within "specialty tracks" as previously discussed.

Policy on "waivers," state-approved credentials exceptions, for bilingual staff should be also clearly established. One Thousand Eight Hundred such "waivers" all reported in Los Angeles for teachers in bilingual classes who were not yet fully certified. Interviewees regularly mentioned the "indiscriminate" use of waivers to "keep unneeded regular teachers" as well as meet the unmet need for bilingual teachers from the ranks of aides. A Stockton, California, interviewee mentioned a method to prevent RIF of Mexican American regular teaching staff by providing waivers for those with Spanish speaking ability (Montanno, 5-25-79). Many permutations of waiver use are possible. Specific Board policy relative to their use could prevent abuse and capitalize on benefits.

A major concern in desegregation is mixing staff; regardless of definition, some action is required. Board policy incorporated into, or separate from, the master plan is important in this regard. Riverside staff mentioned severe problems in this regard. One school with a bilingual program was staffed with an overly large proportion of Mexican American teachers. This violated the 20% variance principle employed by OCR, necessitating the transfer of needed Black staff. The district contested the OCR ruling but to no avail (Lantz, 5-13-79). Guadalupe school in Tempe approaches the problem of staff desegregation by actively soliciting Anglo bilingual staff and by "teaming" regular Anglo and bilingual Mexican American teaching staff. The principal regularly surveys Tempe schools to locate teachers with Spanish language skills in order to encourage transfer to Guadalupe school. He specifies the percentage of all new staff to be

bilingual while disregarding ethnic considerations (Juraequi, 4-19-79). The more bilingual education is perceived as a "Mexican program" the more teachers are perceived as having to be Chicano. Board policy defining staff desegregation goals within bilingual programs would be useful.

In summary. Bilingual education programs are rarely integrated into comprehensive educational plans. Most often programmatic plans to meet Lau or ESSA requirements suffice. This encourages the unfortunate perception of bilingual education as a supplemental non-integral school effort; as a program appended to the regular or "normal" school program. The conscientious comprehensive planning of bilingual education is of equal importance, but is as equally slighted as the planning for desegregation. Such planning should include consideration of the multitude of factors that encourage or discourage program success.

School districts studied made almost no effort to determine community attitudes concerning bilingual education. Most often they appear to reflect more conservative views in program development. No example of clear district level leadership to cope with negativism, confusion, or the "politics of the situation" was encountered. Fortunately, the minimum required by government tends to agree with the definition of bilingual education advocated by conservative elements. Implementation of transition-compensatory programs within ethnically balanced or non-isolated schools is exceedingly difficult. Those that foster restorationist and maintenance programs don't want them to and thus tend to support segregation and the conservative approach.

### Conclusion

Government action and inaction, judicial decisions, and conservative community elements contribute to two concomitant movements. Desegregation is becoming increasingly diluted or weakened: little substantive district or school reorganization is being required. The courts appear to demand a minimum of student and staff movement, few school closings, and "voluntary" approaches. Exceptions to this trend are encountered but do not substantially change the established direction. Bilingual education appears to be moving in similar conservative directions: transition (and perhaps ESL) programs are becoming increasingly defined as acceptable minimums. Exceptions, however, exist. The confluence of these two movements facilitates simultaneous implementation of Lau and Brown.

No "comprehensive educational plan" that incorporates bilingual education and the multitude of other factors influencing equal educational opportunities was encountered. Most steps to implement the two mandates are incremental, sometimes almost spontaneous reactions to court demanded action. Rarely is bilingual education given priority in



developing plans, rarely is it even "formally considered" in desegregation plans. Although every district studied did contend that they planned to maintain bilingual programs. School staff are almost universally relied upon to develop both mandates, a situation seen as non-productive of the creative multi-dimensional plans essential. Community perceptions are rarely objectively obtained, considered, or coped with. The assumed negative Mexican American reaction to desegregation depends on local situations and the communities experience with it. The generalized negativism reported should be questioned.

Two major research recommendations are obvious. First, careful objective study of planning and implementation of both mandates is essential. Study of the process of implementation is slighted in favor of studies of advocacy, legal aspects and achievement outcomes for students. Careful process analysis based on real district experience may aid others to successfully implement both. Secondly, community attitudes or perceptions toward both mandates requires careful study by social scientists. A two-phase study is recommended: the first a study of attitudes in representative areas and districts of the nation, and secondly, on the basis of the first study, the development of instrumentation and other techniques that permit a district to study it's own community.

As with other aspects, little is known about the conditions required to implement bilingual education within desegregation. This study only scratches the surface; much more intensive research with, hopefully, practical applications is required.



## SECTION V

### The Organization of Bilingual Education

#### Within Desegregated Schools

Almost every organizational arrangement of bilingual programs is possible within desegregated schools. In spite of statements to the contrary, and arguments about contradictory mandates, there are only two problems about simultaneous organization. The first is the all-too-common lack of creativity among those developing arrangements. The second is the equally unfortunate lack of commitment or will to "make it work." These two conditions are not universal in the two states studied. Enough successful organizations were encountered to provide examples, suggested plans and, at least superficial analysis of the pros and cons of each. No one model district was found. Although San Diego's plans, if fully implemented, might provide one for large urban districts. With limitations as described, efforts have been made to combine the diverse experiences of districts to produce a synethetic typology of program organization. Organizational examples that appear successful are drawn from the study of district produced printed materials, interviews, and the almost non-existant literature on the subject.

It must be constantly remembered that "successful program organization," in the context of this study, does not imply that bilingual education meets its objectives or goals as variously defined. Rather, "successful" implies that programs operate or function within a desegregated setting with no greater difficulty than would be expected from regular or normal school programs. Employing the term in this way is analogous to stating that reading programs are successful if they don't present any more difficulties than do other normal school activities.

#### Organizational Types

There are basically six ways to organize bilingual instruction within ethnically and racially balanced schools and districts. If desegregation were defined as the elimination of isolation, the organization of bilingual education would be logistically easier. There is little problem in implementing bilingual education in a "desegregated school" that

remains predominantly or exclusively Mexican American and perhaps predominantly LES/NES. Program organization and successful operation in less rigorously desegregated settings would be similar to that described in balanced schools but would demand less creativity and commitment. For this reason Section V describes bilingual programs within schools that approach ethnic racial balance. "Approach" roughly implies a 20% tolerable variance from representativeness.

Table VII presents an organizational typology based on a synthesis of bilingual programs successfully operating within balanced schools. It also suggests the types of programs possible within each organizational type. Further, it mentions the usual daily time spent within the bilingual type and the usual duration of each type. It is strongly suggested that length of student exposure determines what bilingual education goals will be reached. Programs tend to determine outcomes, not stated philosophy. For example, a few minutes or even an hour a day for a year or two can only reach E.S.L. or transition goals. While a K-6 full-day program can reach the goals of these two and possibly those of maintenance and restoration. Enrichment goals are only possible in a two-way program and require lengthy student exposure. For example, a two-way Anglo and Mexican American balanced bilingual bi-cultural full-day program, lasting for six years has a fair chance of reaching all five sets of objectives.

Only five of the possible six organizations are presented in Table VII. The sixth is "total district bilingual organization." This type does not exist in the public schools of California or Arizona. Nor does this organization fit the typology developed in Table VII. All six approaches are described and analyzed in subsequent sub-sections.

During the discussion of program types reference to the "San Diego Plan" is made. This plan provides the most comprehensive description of bilingual education planned to operate within desegregation encountered. It also provides numerous variations on four of the programs described in the typology. San Diego's "Bilingual Education Program Models for Elementary Schools" (1978) and a comparable plan for secondary, are lengthy and involved documents. They are best understood by those very conversant with bilingual education as well as with San Diego. For these reasons, Adel Nadeau's excellent, but unpublished, paper "Bilingual Education Within a District-wide Intergration Plan" is provided in Appendix B. The San Diego plan is well-described in her article, but detailed in terms that are applicable to most, if not all, urban districts in the Southwestern states.

Individual learning plans. Innumerable examples of ILPs were found during the study but no detailed written descriptions or definitions were found. Such a plan usually involves four characteristics; emphasis on language arts, early exit.

Table VII

## An Organizational Typology of Bilingual Programs in Balanced School Settings

| Type                | Program Setting | Program Types * | Usual Daily Exposure | Usual Program Duration |
|---------------------|-----------------|-----------------|----------------------|------------------------|
| 1. ILP —            | a. balanced     | 1,2             | partial              | short-term             |
| 2. "Pull-out" <     | a. balanced     | 1,2             | partial              | K-3                    |
|                     | b. imbalanced   | 1,2             | partial              | K-3                    |
| 3. Classroom(s) <   | a. balanced     | 1,2,3,4,5       | full                 | K-3                    |
|                     | b. imbalanced   | 1,2,3,5         | partial              | K-3                    |
| 4. Magnet Strands < | a. balanced     | 1,2,3,4,5       | full                 | K-6(+)                 |
|                     | b. imbalanced   | 1,2,3,5         | partial              | K-6(+)                 |
| 5. Full Magnets —   | a. balanced     | 1,2,3,4,5       | full                 | K-6(+)                 |

- \* 1. ESL  
 2. Transition  
 3. Maintenance  
 4. Enrichment  
 5. Restorationist



into mainstream programs, minimal reliance on student's first language, and emphasis on E.S.L. techniques. In most cases ILPs are little more than E.S.L. programs. This is often necessitated by the very limited number of students of a given language group, the lack of fiscal resources to hire teachers of the language group, or the unavailability of such teachers. The program setting is technically imbalanced if the children are removed from their balanced classroom large amounts of time. However, this rarely happens. In most cases children are given some minimal bilingual instruction while in their regular classroom.

an ILP represents the simplest, but not necessarily the best, way to organize programs for very few students of a given language group. It can become overly expensive if special teachers are forced to spend limited periods of time with each student due to the dispersal over a large area. It is better pedagogically to develop a "critical mass" of LES/NES students of differing first languages in one or neighboring sites. In this way, plans similar to San Diego's "Multilingual/Instructional Center" or "In-School Language Center" can offer greater variety (see Appendix B).

"Pull-out programs." These programs are usually limited approaches. However, with careful curricular development and planning can offer a full component bilingual program. That is, they could provide the: ESL, Spanish reading and language arts, content areas in English, and content areas in Spanish. However, like ILP programs the focus is usually on E.S.L. with minimal attention to the other three curricular components. The objectives seem to be rapid learning of English and success in mainstream classes.

Pull-out programs are usually found where there are limited numbers of LES/NES children of any one language group or where no critical mass has been brought together. Neither Anglo nor Chicano FES students usually participate. This causes the "program setting" (the resource room, language laboratory, or center), to be ethnically imbalanced. This, however, is permissible if the bulk of the students' day is within an integrated setting. Sometimes children are moved to a central "laboratory" shared by two or more schools as is the case in San Diego. Most commonly, however, a balanced school will have, say, 30 kindergarten through sixth graders of varied home languages. These will be aggregated into age and language sub-groups and pulled out to the language center for a period or two a day. Sometimes a special bus or trailer will travel among two or more schools. Under such circumstances, E.S.L., or at best transition goals, are about all that is feasible.

One case was found where the children removed into the laboratory setting were both Anglo and Mexican American. This unusual balanced program setting was accomplished by employing the laboratory as a two-way bilingual classroom.



FES children were given Spanish as a second language training and a smattering of content area, usually math, in Spanish. Time was limited and FES Anglo (and Black) children appeared to gain little more than an introduction to elementary school Spanish.

Santa Barbara has a well conceived pull-out program with-in schools that are planned to approach ethnic balance (Santa Barbara Elementary School District, 1979, p. 31):

In the case where students are pulled out for instruction according to language background (... center or traveling teacher program model), the students will be provided with an opportunity to interact daily with their English proficient peers through assignment to a racially/ethnically balanced class for English-medium instruction in classes other than basic skills and other required academic subjects.

Santa Barbara copes with the ESSA's knotty "no-tracking rule" in a way not dissimilar to other districts.

Dr. Jose Cardenas is an advocate of creative ILPs and/or pull-out programs, seeing them as a viable alternative to many desegregated settings. He outlines the plans and provides valuable suggestions in "Bilingual education, segregation and a third alternative" (1975).

The bilingual classroom. A most common arrangement is a bilingual class or classrooms within a balanced school. This can vary from a few grades to a full K-6 classroom. If a small number of one language group, say 20 in grades K-6, exist in one school a pull-out program or ILP is probably best. However, if sufficient students for K-3 and 4-6 classrooms exist, many educators would organize two bilingual classrooms. Such classes could be full-day programs. If the program has high prestige and actually benefits Anglo children, it is very possible they will volunteer and the program will be balanced. If not, an ethnic track has been established, and steps must be taken to eliminate it. Pasadena reports that many of its classroom programs are ethnically balanced. Yet they do not report high prestige. The district, until very recently, had a policy of placing Title I youngsters into such classes. While these students were physically in the same room with LES/NES children, they did not participate in the bilingual portion of the program. Pasadena reported (Pasadena Unified School District, 1978, p. 48):

As noted for four consecutive years, FES students in bilingual classrooms can be seen as performing less well than their peers in "regular classrooms" ....this is particularly true with respect to Title I - S.B. 90 FES students but can also be seen in 31 of 48 cases at the four ECF sites which also had bilingual classrooms. During the Summer, 1978,

directions were sent to the schools to ensure that, whenever possible, Title I - S.B. 90 students are not assigned bilingual classrooms and that, if they necessarily are so assigned, their progress be monitored closely.

No other district studied attempted to balance its bilingual program in this manner.

Santa Barbara attempts to hold to ethnic balance in its self-contained or team-taught classroom programs. The district plans to deal with balance in this way (Santa Barbara Elementary School District, 1979a, pp. 30-31):

In the case where students are assigned to a self-contained or team bilingual program model...not more than two-thirds of the classroom will be LEP students (except in the case where the proportion of such students in the school exceeds two-thirds, the proportion of students of limited English proficiency will be within 10% of the proportion of such students in that school). The balance of the classroom will be native English speaking students. Further, the ratio of LEP students to fluent English proficient students will reflect the regulations set by the funding agent of the particular classroom. For example, the Title VII funded bilingual program which may include more than one classroom, will exhibit a total percentage of not less than 60% limited English proficient students.

Few districts were as scrupulous in attempting, at least on paper, to meet the differing regulations. To accomplish this demands careful accounting to ensure that given bilingual education programs receive funding from one source only.

While a full-day balanced bilingual classroom is possible, it is rare indeed. Most such classrooms in balanced schools are almost exclusively minority, usually all Chicano. Such arrangements, of course, violate guidelines and HEW regulations but enforcement is rare.

Magnet schools. Without doubt magnet or alternative schools represent the most popular approach to desegregate schools. Almost every district studied has some variation. San Diego, Los Angeles, Stockton, Chula Vista, San Bernardino, have some form of bilingual magnet. Houston and Cincinnati do also. Bilingual education magnets are planned to run the full range from elementary through secondary, however, most are at the elementary level. They are variously described as transition, enrichment, maintenance, or immersion programs.

There are two basic kinds; a magnet strand and a full school magnet. A magnet strand is an alternative program

imbedded within a regular school. It has certain advantages to those desegregating a system. Through careful organization, it could be a predominantly Mexican American program within a predominantly Anglo school. If the Mexican Americans are "as integrated as possible," or mix with the Anglos for a significant portion of the day, it would not be considered an isolated ethnic track. However, most often the bilingual magnet strand does not mix: in fact, often the strand is within a predominantly Mexican American school. Most interviewees comment negatively about the desegregating ability of magnet strands.

A full magnet is a total school program. Regardless of differences between full and magnet strands they hold most aspects in common. Both may be excellent ways to reach ethnic balance, but rarely succeed in doing so.

Magnets are variously defined, however all definitions share certain characteristics, they:

(1) Attempt to fit the schools to the students' needs or interests instead of forcing the student into compliance with the established school;

(2) Offer programs emphasizing some special discipline, thrust, set of skills, or "philosophy;"

(3) Concentrate specialized staff, facilities and equipment; and

(4) Are voluntary, or offer on minor restrictions on free choice. Most children within a district (or large section thereof) may attend.

According to Levine and Campbell (1977, pp. 247-248):

There appear to be at least four reasons for the growing interest in magnet schools. First, such schools are thought to have a potential for reducing racial isolation in large school districts that are confronted with legal pressures for desegregation. Boston, Milwaukee, and St. Louis are implementing magnet programs as part of court-ordered desegregation plans, while Cincinnati, Houston, and Minneapolis moved to establish magnet schools in advance of specific court orders. In either case, magnet schools are offering attractive programs that will, it is to be hoped, persuade parents to send their children to desegregated schools. Second, most magnet programs offer a variety of options, usually including "open" educational environments as well as "fundamental" schools that stress structure, rules, and basic academic skills. Third, the improvement of instruction in big-city schools is a major goal of



magnet programs. Fourth, federal, state, and local funding is potentially available to support the development of magnet schools.

Present-day magnet schools differ from more traditional specialized alternative schools. Highly academic high schools such as those in Boston, New York, and San Francisco, were or are not open to all or even most district children, nor are specialized schools such as those for the performing arts or science. These are highly restrictive alternatives, while present day magnets may have some enrollment restrictions they are much less strict.

Very little information concerning, and relatively few examples of bilingual education alternative schools were found. However, magnets in general, are without doubt, the most popular contemporary approach to desegregation. In Los Angeles they are viewed as a "voluntary alternative within a mandatory school desegregation plan." [They are heralded] ...as a mechanism for providing desegregated, innovative and specialized education (Los Angeles Unified School District, 1979, p. 1). In Houston they are reported to have "...had wider support among the community including minorities, than any legitimate alternatives to...integration" (Campbell & Brandstetter, 1977, p. 125). Magnet schools are a major component of the San Diego, San Bernardino, and Chula Vista voluntary desegregation.

Whether magnets encourage or discourage ethnic balance and the elimination of isolation depends on a multitude of factors; certain aspects are particularly important when bilingual education magnets are attempted. Magnets influence on desegregation depends on a number of factors. Of primary concern is that each magnet:

(1) draws from a student population that resides close enough to the alternative to make busing or other transportation feasible;

(2) draws from an area that is as racially and ethnically representative of the larger community (or is the total district);

(3) is located in a geographic area and in facilities that encourage attendance of ethnically and racially representative students;

(4) is of a nature that is equally attractive to all ethnic groups; and

(5) is regulated so that the ethnic balance of the student's previous school ("sending school") and the new school ("receiving school") are both improved (or not hurt).

These five conditions are difficult to meet; all have



application to bilingual education magnets. Careful planning is most crucial when bilingual magnets are one among numerous options.

The first points are important. There is a tendency to place bilingual magnets in sites close to the Mexican American population concentration. Los Angeles, Stockton, San Diego, and Chula Vista placed bilingual magnets in *barrio* settings, close enough that many could walk to school. The Assistant Superintendent of Stockton considered the type of magnet developed was at least partially dependent on "where kids need it," or where support facilities such as business, industry, or a college are concentrated (Shannon, 5-25-79). While this makes a great deal of common sense, it can discourage ethnic balance. Interestingly, it did not seem to in Stockton.

The first two points are particularly important in large districts where long distance school or public transportation is not feasible. Los Angeles is a good example. Originally, district administration, following the judge's directive, established the (Los Angeles Unified School District, 1979, p. 12):

...concept of 'schools of choice' within the context of educational leagues [or grids]. Most elementary and junior high magnets were initially intended to draw only from a certain number of schools grouped in an educational league having an inherent racial balance. The league formation would have molded the subsequent enrollment at the school of choice. As the league concept was abandoned, and geographical constraints on enrollment removed, the 'schools of choice' within leagues metamorphosed into a program of district-wide magnets a form the plan had only vaguely anticipated.

San Bernardino, Pasadena, and Stockton utilize, or plan to, similar devices to divide the district into representative segments. In Los Angeles enlarging magnet choice to the entire district effectively curtailed representativeness due to distances involved.

Location is important for another reason. Placement of bilingual magnets in the *barrio*, often with poor quality schools and low SES neighborhoods, influences Anglo participation. San Diego is a particularly blatant example of "predetermining racial imbalance" by placing one of its transition bilingual magnets in Lowell School. Lowell is a poorly maintained elementary school surrounded with "junk yards;" every structure on campus is "temporary," the playground is gravel. In all, it is a very unattractive site. As of May, 1979, 98% of Lowell's children were from the attendance area; 18 Anglo children were bused in as part of voluntary desegregation; of the total enrollment, 94% were

Mexican American, 4% Anglo and the remainder Asian or Black. A full K-8 bilingual education magnet is planned for September, 1979 (Villegas, San Diego, 5-1-79). There is little reason to believe the ethnic breakdown will vary greatly unless radical changes in facilities, location, and prestige are made. To the latter point, the district plans to develop Lowell into a "laboratory school" related to San Diego State University. The two Los Angeles bilingual elementary magnet strands are also located in the *barrio*. They are over 99% Mexican American.

"Territoriality" appears to play a significant role in determining ethnic balance of magnets. The excellent and objective evaluation of Los Angeles' magnets stressed the importance of a magnet site being perceived of as neutral--not dominated by a specific ethnic group. Similar concepts of the importance of "neutrality" are found in the literature. Interviewees comment and the studies report that Anglos are more reticent to enter minority "turf" than vice versa. However, both tend to react negatively to magnets deeply imbedded in the other's territory. However, this can be minimized by increasing the attractiveness or uniqueness of the magnet.

Bilingual magnets present a particular inigma in regard to attractiveness or prestige. The basic assumptions about magnets include the idea of "meeting the interests or needs" of students. Clearly certain magnets are more related to needs than to interests. Theater arts, science-math, music, academic enrichment, foreign language, tend toward "meeting interests;" transition bilingual, special education, and basic education are geared to solve special problems or meet needs. It is very difficult to enhance the prestige and thus the general attractiveness of remedial or compensatory programs. It is easier to reach ethnic balance in high prestige magnets, that "meet the interest" of students, even if located in "foreign turf" or poor quality facilities. It is very difficult to reach ethnic balance in magnets that are established to meet the academic needs of students. Balance becomes even more difficult when the "needs to be met" are concentrated in certain ethnic groups. Fundamental education may be an odd exception. While basically a program to "meet needs," to enhance academic performance and improve behavior, it nevertheless has very strong appeal for all groups. The reason for this is so intertwined with social and political conservatism as to defy simple explanation.

Improvement of ethnic balance in bilingual magnets is particularly difficult, it usually necessitates: (1) radically improving the prestige of bilingual education--this is difficult as the mandated and usually implemented programs are by nature remedial, compensatory, and offer transitional programs; (2) regulating or restricting free choice; (3) improving physical plants and other facilities;

or (4) locating them in neutral turf. The first condition is the most important: high enough prestige will probably override other negative conditions. This is particularly true if the magnet is "one of a kind" or unique in the district. "Uniqueness" was found to be particularly influential in the evaluation of Los Angeles magnets.

Examples of bilingual magnets with high prestige can be found. The "Spanish immersion programs" reported in San Diego is a case in point. In this case the program was reported to have a long waiting list of Anglos (Appendix B). A strong transition-enrichment program was described within the same school providing the Mexican American ethnic component. A prestigious enrichment program was described in Tucson. Chula Vista has a K-3 bilingual magnet strand that draws significant numbers of Anglo students due to the high quality of staff, program, and facilities. Inversely, its "mirror" 4-6 magnet strand appears to fail to do so.

Stockton's Valenzuela school is a classic example of apparent high prestige in a very poor physical plant in a barrio setting. However, this enrichment K-6 full magnet approaches ethnic balance. This observer attributes this to the dynamic nature of the staff, their enthusiasm, and the generally fine social climate of the school. It appears, however, that reputation and prestige are more important determinants in smaller communities. Word of mouth communication was reported to be a most important aspect of publicity; the smaller the community the more important personal communication appears. Chula Vista and Carlsbad, another example, seem to corroborate this most logical assumption.

Unlike the preceeding examples, Carlsbad, California's two K-6 magnet strands have been partially described in the literature (Acosta & Carter, in press).

Carlsbad Unified School District has had a functioning bilingual program since 1966. The program was implemented without special funding and continues to do so with a minimum of special support. From its inception it has been organized to accomplish the enrichment objectives. Change and improvement characterize the efforts of the staff. They do not perceive the bilingual program as the only model program; rather they view their efforts as a process toward the enrichment model. Regardless, there is significant evidence that expected outcomes are being approached. [Anglo] students are learning Spanish and achieving well in English; their parents are highly supportive and are instrumental in the demand for bilingual education past the sixth grade.

The initial impetus came from an organization composed of both Anglo and Chicano community leaders,



as well as from school administrative and teaching staff. The demand grew from a two-fold recognition; first, that many [LES/NES] students could best learn English in such a program; and second, that particularly [Chicano and Anglo] students would profit greatly. The School Board endorsed a beginning Kindergarten program at Jefferson school--a school serving the barrio as well as a significant number of Anglo children.

The district and the community has undergone numerous changes from the middle sixties to the present. In order to desegregate it was necessary to convert Jefferson Elementary into a K-3 school matched with Pine Elementary, a 4-6 school. The bilingual/bicultural program is located in both schools and under two principals. The ethnic composition of Jefferson is about 38% Hispanic and 60% Anglo. Pine is similar. The bilingual/bicultural [strand] involves eleven classrooms: eight at Jefferson and three at Pine. It involves a total of 220 students. The bilingual staff is approximately equally divided between Anglo and Mexican American teachers. The instructional aides are all Mexican American and members of the community. The student body in present bilingual education classes approximates the ethnic composition of the school: about 40% [Anglo] and 60% Mexican American. The Mexican American students range from LES/NES to FES.

Carlsbad is a very small coastal community in Southern California. For many reasons its bilingual program has high prestige and support. It is the very antithesis of most such programs. Prestige can be raised in many ways. A bilingual program could become an integral part of a fundamental, performing arts, or what-have-you magnet; thus relying on the prestige of one to upgrade the other. Such arrangements were mentioned in interviews but not encountered in practice. Regardless, the most feasible solution is to move toward bilingual education magnets with high quality enrichment programs. Such programs are usually acceptable to all community segments. They can provide educational assistance to all children from LES/NES to FES: from Black to Anglo. Unfortunately, few examples exist. Ideally, such programs would be located in good facilities in "neutral territory."

The majority of bilingual magnets or magnet strands are failing to reach ethnic balance or even end ethnic isolation. The Los Angeles evaluation is negative about bilingual magnets, pointing out innumerable errors in implementation. The San Diego "evaluation" did not address bilingual magnets specifically, however, it did report (Kolender, 1979, p. 3):



In terms of numerical goals, some programs have easily reached them and some have fallen appreciably short. We believe that total school magnets have more generally met their goals than school-within-a-school programs [strands] and that elementary magnets have more generally achieved their goals than have secondary magnets. We think that of the eight operating magnets in schools that had been found to be racially isolated, only two reached their goal. Both of these were elementary and total school magnets. One was a fundamental school and one was a University Lab school.

However, the report provided ethnic enrollment data on bilingual magnets. The barrio transition programs were minority isolated falling far short of projected 1978-79 enrollment goals. More enrichment programs in mixed neighborhoods were less isolated one approaching balance (Kolender, Appendix A, 1979, p. 1-2). Interviewees responses to effectiveness of magnets in desegregation varied greatly. However, most comments were negative. Many stressed such ideas as "...it is merely a way to resegregate schools." It may "stem white flight but it did so by making 'academies' of public schools." Regardless, a number of balanced magnets were "discovered."

Implementing magnet schools in a desegregated setting usually involves some form of restriction on free choice. This becomes essential if isolation and imbalance are to be overcome. Balanced neighborhood schools must be protected and magnets not allowed to become segregated. Inversely, regulations must foster student movement from segregated neighborhood schools. Regulations to encourage desegregation in districts with both neighborhood "regular" schools and magnets are most difficult to formulate and administer fairly.

The basic restriction on free choice employed by most systems is similar to San Diego's, a student may transfer (Krupp, 5-3-79): "...only if moving improves [or does not hurt] the ethnic balance of both the receiving and sending school." Los Angeles modified this general rule, "...white and minority students from the most segregated schools shall receive first priority for reassignment to a school of choice and magnet schools" (Los Angeles Unified School District, 1978, p. 40). However, the evaluation team found that Los Angeles had failed to implement this provision.

On the surface such restrictions appear fair and equitable, in practice, however, they may not be. They may adversely effect the more middle class minority child's choice. For example, picture an ethnically balanced neighborhood school, composed of upwardly mobile middle-class youngsters. Or, picture Black or Chicano children in a predominantly Anglo neighborhood school. All children in the balanced school could have less chance to attend a magnet.

In the imbalanced school the minority children might be discriminated against. For example, a bright Chicano student might not be permitted to transfer to a science-math secondary magnet unless that school was as balanced as his neighborhood school. In the second case of an imbalanced school, the chance of minority children transferring could be even less. The equitable administration of such plans is difficult.

Some districts hope to avoid such problems by establishing set quotas and specifically opening magnets to given percentages or numbers of each ethnic group. This can also be discriminatory and limit access to educational opportunity solely on the basis of race or ethnicity, not to mention the highly questionable constitutionality of specific numerical quotas. It can be predicted that denial of access on the basis of race or ethnicity will be litigated. How to equitably restrict free choice on the basis of race remains an unresolved problem. Great care must be taken to insure that in so doing minorities are not the victims of discrimination again.

The desegregation success of magnets, especially bilingual education alternatives, depends on extremely comprehensive planning. The major fault found with Los Angeles was the failure of staff to do so. No evidence of the careful planning and implementation required was found during field study. Regardless, a number of bilingual education magnets and magnet strands do seem to be encouraging Anglo participation and are approaching ethnic balance. These exceptions are seen to be the result more of community involvement and personal commitment than of district-wide planning.

Total district bilingual organization. This plan involves developing a complete K-12 bilingual/bicultural program for an entire district. No such district exists at the present. The Tollison, Arizona, superintendent stated if given resources his small, rural district would undertake such a program (Holub, 4-19-79). Nogales, Arizona, is reported to have had similar plans at one time. Laredo, Texas, did operate such a plan during the 1960's (Carter, 1970). These three communities are themselves ethnically imbalanced compared to their respective states: there is an overrepresentation of Mexican Americans in each. For this reason, even if a total bilingual education program for all children, in all grades, were to be implemented, the ethnic composition would still technically place the total district as "ethnically isolated."

### Conclusion

This short chapter stresses that there are numerous ways to implement bilingual education in a desegregated setting. The most promising of these approaches, at least as seen by many, is the magnet or magnet strand school. Unfortunately, there is little evidence that a transition program will

attract sufficient numbers of Anglos to end isolation or much less reach ethnic balance. This is particularly true if magnets continue to be located in poor quality facilities in Mexican American neighborhoods. Improved prestige is seen as a solution: this normally would involve changing program emphasis from transition to enrichment coupled with great energy, good planning, and highly qualified and dedicated staff. Such conditions are rare. In light of their paucity other steps could be taken. However, neither examples of combined bilingual and high prestige components, nor other approaches were found. Nor was there evidence of planning to move bilingual education magnets into neutral turf. The picture is not encouraging. The real challenge remains; bilingual programs in ethnically balanced schools can profit all. In the words of Oscar Uribe (1978, p. 4): "When instituted, integrated bilingual education will place the United States public education system in the forefront of civilized nations in its ability to offer equal educational opportunity to all its citizens."



## SECTION VI

### Conclusions and Recommendations

The review of literature and field investigation of bilingual education and desegregation has produced no startling conclusions. A year's study has uncovered no new nor startling findings; in fact, it merely supports the conclusions of others in many aspects. Regardless, certain trends in both fields have become very obvious. These trends or movements reflect a lessening national commitment to both desegregation and bilingual education. Both trends facilitate simultaneous implementation: it is becoming easier to organize bilingual education in contemporary brand of so-called desegregation. This may make moot the conflict of directives and incompatibility questions that originally led to the study.

Policy recommendations are the most difficult aspect of the study. On one hand it is most simple to conceptualize the multitude of actions that should be taken and policies that should be established. But as a realist one knows the majority will not or can not be implemented. An honest and useful policy recommendation is one that has some possibility of becoming functioning reality. What should and needs to be must be objectively compared to socioeconomic and political reality. The product of this exercise, the resultant recommendations, can appear impotent and diluted.

Recommendations for future research are more easily made. However, they also present a quandry. In studies that attempt to objectively analyze the social and educational reality research recommendation should have practical applications. Investigations of "the real world" are quite dissimilar to "pure research." In the pure form recommendations for further study are directed at gaps in knowledge or theory: more needs to be known about specific aspects. Recommendations in applied fields such as in education must be tested against three criteria: one, are important information and concepts described; two, will these new findings be useful; and, most importantly, will the findings be used. The last criterion is most important; will communities or school districts apply research findings in new policy, approaches, or organizational patterns.



## Conclusions

There is no inherent basic conflict or contradiction between the Lau and Brown mandates. Bilingual education and desegregation are two approaches to reach equal educational opportunity. Desegregation concentrates on equal access and input while bilingual education stresses equal benefit. Historically desegregation has functioned to disperse children geographically while bilingual programs have tended to concentrate groups. The apparent contradiction can be overcome with intelligent planning and organization. Bilingual education does not demand separatism and particularism as has been charged: nor does desegregation create equal treatment for all as has been claimed. The two developments are compatible. However political forces for and against both movements can and do distort the picture. There are only two things that deter simultaneous implementation: lack of creativity and lack of commitment.

Educators see "roadblocks" other than the assumed conflict of directives. However, most of these have been partially or completely eliminated. Teachers can be transferred to desegregate as well as to meet language needs of children. Bilingual teachers are "protected" from lay-off because they teach in a special federally-mandated program "track."

While there's no conflict between the principles of Lau and Brown, great confusion is inherent in directives to implement them. This is particularly true in regard to federal and state bilingual education directives. Educators are honestly confused by differing interpretations, expanded and contracted programmatic requirements, as well as by the differing "philosophies" espoused. Confusion is increasing, not decreasing, in both states, especially in California. There is no evidence to suggest this trend will be reversed. There is also a weakening commitment to bilingual education, although this is much less obvious than is the case with desegregation.

Bilingual education is increasingly perceived negatively. This is due to many forces: the negative research findings relative to achievement, the politicization of the field, the massive confusion inherent in directives, the conservative nature of contemporary society, and legal decisions. Bilingual education is more and more being seen as a "Mexican program for Mexican kids." It is increasingly being viewed and implemented as a transition, perhaps E.S.L. program. Bilingual education is becoming more "fundamental:" a basic compensatory-remedial philosophy is replacing earlier broader and more liberal ideas.

Failure to eliminate the confusing directives and to carefully monitor and enforce has a debilitating effect. The lack of clarity and enforcement of no-ethnic tracking regulations is a case in point. The fact that most bilingual

programs are predominantly Mexican American isolated tracks lends evidence to lack of government commitment to civil rights regulations and Lau directives. It affirms that segregation is acceptable.

The unforeseen "benefit" of weakening desegregation remedies and more transitional bilingual education is that simultaneous implementation is facilitated. A "desegregated" but predominantly Mexican American school usually contains the "critical mass" of LES/NES students needed to implement bilingual education. If acceptable to courts a 99% Chicano bilingual magnet in an economically disadvantaged barrio presents few logistical problems. Separate but better is apparently the mandate of the day.

Regardless, it is possible to implement bilingual education in ethnically and racially balanced schools. Examples are not common but can be found. Only lack of will and creativity preclude there more common occurrence. A number of organizational arrangements are possible. It is doubtful, however, that bilingual magnets will attract many Anglos unless they are in "neutral territory" and stress more enrichment philosophy and programs.

No comprehensive multi-dimensional education plans were found that incorporate desegregation, bilingual education, and other efforts toward equal educational opportunity. This lack is particularly lamentable but understandable. Educational change tends to be a "knee-jerk" reaction by district staffs to the minimal changes demanded by courts. However, bilingual education "plans" capable of operating within desegregated districts were found, and would be excellent examples if both aspects were fully implemented.

### Recommendations

Much more intensive study and analysis of specific districts' efforts and problems would be beneficial. This should concentrate on the "solution" of practical problems as defined and coped with by the respective districts. The present study could assist by providing background material and recommended "models" to be intensely studied.

The objective study of the process of developing and implementing comprehensive educational plans is absolutely essential. No area of equal educational opportunity is more slighted. Such study should concentrate on representative schools of differing composition in differing geographic areas. There is no one model school, district, or community. Hopefully, careful analysis of process will help districts to improve the quality of planning: whether it would improve commitment is doubtful.

A study of planning and implementing must involve many

aspects. Community perceptions or attitudes toward bilingual education and desegregation is particularly pertinent. It is specifically suggested that an objective study of perceptions in differing communities be undertaken. This study has the objective of gathering important information and analyzing it. Moreover, the study could also provide a tool useful to school districts undertaking study of their own communities.

One policy recommendation is paramount. Government at all levels should eliminate confusion within the bilingual education mandate and directives. Once accomplished, monitoring and enforcement should be strengthened and consistent.

### Closing Thoughts

The author has consciously avoided the most important recommendation. A renaissance of the rational commitment to equal educational opportunity is long overdue. If a will to desegregate and implement bilingual education generally existed the few problems, mostly logistical, would be easily overcome. Unfortunately, there is little reason to believe such a new dedication will be forthcoming nor that a recommendation will hasten its arrival.



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## APPENDIX A

### Rights of Language Minority Students Under Federal and State Laws: Real and Imagined Conflict

R. J. Hiller and P. C. Grossman

#### Conclusion

The obligations of California school districts to address the educational needs of their language minority students derive from both federal and state law. Where compliance with state law fulfills the federal obligations, adherence to state law will be satisfactory. If applicable federal law goes beyond the requirements of state law, the federal law must be followed. If applicable state law goes beyond the requirements of federal law, then the state law must be followed. When there is a positive conflict between federal and state law and the state law compromises or hinders the federal law, then the state law must yield. The law which is most productive of children's educational rights--and hence less compromising--must be followed.

Both federal and state law require as an initial step the identification of students with a primary or home language other than English. The operative definition of "primary language" under state law coupled with the Home Language Survey and instructions adopted by the Superintendent of Public Instruction, indicate that state authorities seek the same information as that sought by federal officials. The Lau Guidelines state that primary or home language identification is to be done by bilingual personnel, thereby suggesting that face-to-face interviews with either parents or students are required. However, the use of the Home Language Survey should be accepted by federal authorities provided certain safeguards are undertaken. These safeguards should assure that the home language information that is gathered is accurate and complete, and when not complete that the student's English language skills are assessed.

Adhering to federal and state requirements regarding the language assessment procedures to be used should pose few problems. Since the State's three English language fluency categories overlap with the five Lau Guideline categories,

meeting the state requirements should satisfy federal obligations. The state language fluency definitions of limited-English speaking students and non-English speaking students appear to more accurately reflect the concern for English language proficiency and the views expressed by the Supreme Court in Lau v. Nichols, than the Lau Guideline definitions which seem to stress frequency of usage. The state definitions are so expansive, that a student with a primary language other than English and with limited English language skills is entitled to some form of bilingual instruction even if the student's primary language skills are equally deficient.

State law mandating the use of a language dominance survey instrument has been questioned by some linguists. Provided that the California school districts use a valid, reliable instrument there should be no conflict with federal requirements nor should there be duplicate testing. Moreover, both state and federal law are consistent in ordering that persons who speak and understand the necessary languages administer the language assessment instruments. The state law requiring an annual census is consistent with federal law which also requires an accurate and individual determination of all potential Lau children.

Programmatic differences between federal and state law are more surface than actual. While the Lau Guidelines do not strictly specify or require a particular program, school officials must demonstrate that any alternative educational approach is equally effective to those outlined. State program options providing for "full bilingual instruction" or "bilingual/bicultural education" clearly can be implemented in a manner consistent with the Lau Guidelines. Indeed, it is not altogether clear what differences if any there are between these two state options. The "partial bilingual instruction" option, however, potentially may present significant compliance problems unless a "partial" program also includes cognitive development while developing the basic language skills. The "individual learning program" option is the least well specified. The state may require that the individual learning program go beyond the federal requirements. Thus, bilingual education can be--and often will be--mandated at the high school level under state law, while the Lau Guidelines permit other approaches. However, school districts may not provide a less effective alternative to the Lau Guidelines. When language minority students are few and widely dispersed within a school or throughout a school district or where "pocket language" children are involved, comprehensive bilingual programs may not be administratively feasible. However, the threshold numbers triggering federal obligations are far smaller than state law provides.

Federal and state requirements regarding notice to parents and the right of parents to withdraw their children from bilingual programs, are wholly compatible. State law



requires that notice be given in writing and in a language manner that parents can understand. Federal law expands the giving of such notice to all school activities of which parents are generally informed. School districts may not require as a pre-condition to students' participation in bilingual programs that prior written parental consent be obtained. Regarding the right to withdraw, federal law is silent, but state law grants such a right to all parents of students entitled to participate in bilingual programs, except those students receiving individual learning programs.

The same federal laws that provide the underpinning for bilingual programs, also bar segregation and separate treatment. The Lau Guidelines do not prevent establishing bilingual programs in schools that are ethnically identifiable. Nor do federal regulations prevent the grouping of language minority students for bilingual instructional purposes provided this grouping meets the bona fide grouping standards. Bilingual education programs can and do occur without much isolation. However, if language minority students are isolated unnecessarily in such subjects as art, music, gym and lunch from their English dominant peers, federal law may be violated. Similarly, in schools that are not racially identifiable, language minority students must not be ethnically or racially isolated from non-minority students. State law by focusing on integrating fluent English-speaking students with limited-English speaking students does not directly address this concern with ethnic isolation, and may result in limiting access of limited-English speakers to necessary bilingual services, when the number of bilingual instructional personnel is limited.

Both federal and state law require essentially the same qualifications for instructional personnel: fluency in the necessary languages and familiarity with the culture of students. The Lau Guidelines do not conflict with the state credential requirements. School districts must move rapidly in obtaining the necessary staff if the federal rights of language minority students are not to be thwarted. Various methods may be utilized to attract the necessary teachers, and even the layoff of senior teachers lacking the necessary competency is permitted by state law. Both state and federal laws recognize that the unavailability of necessary qualified personnel may present compliance problems. However, any State exceptions compromising the use of bilingual/bicultural personnel end September 1, 1979, and the Lau Guidelines contemplate exceptions that are temporary only.

Hopefully, most school districts will not need to be prodded to comply with the federal and state laws concerning language minority students. Compliance should be swift and voluntary, undertaken in good faith, and with a view to installing quality programs in the classrooms, not simply paper compliance with legal obligations. But delinquent



school districts must not be permitted to flaunt the law. Much will depend on the vigilance of state authorities. The state laws must be enforced with vigor, and there should not be laxity in the issuing of the various waiver or exception provisions in the state law. An ability to monitor compliance must be developed.

Federal and state officials will not have the luxury of unlimited implementation time. In the wings, if enforcement is lagging, will most certainly be the parents and the students who are the intended beneficiaries of the federal and state requirements. They are anxiously awaiting the fulfillment of their educational rights, for education delayed is education denied.

APPENDIX B  
Bilingual Education Within a Districtwide Integration Plan  
ADEL NADEAU, San Diego California, April, 1979

In the first paper on the topic of desegregation and bilingual education I attempted to give a general position on various claimed discrepancies between the two programs. The paper presented the premise that these discrepancies are political and economic in nature. Taken, however, from an educational viewpoint these factors need not adversely affect the programs. In the opinion of the writer, Bilingual Education and integration cannot be separated. Viewing these programs as distinct is the mentality that has often crippled bilingual programs for many years.

The purpose of this paper will be to reiterate the major criticisms of the effects of desegregation on bilingual programs and then to analyze each one in the light of integrated bilingual programs as sound education for all students.

Politically, Bilingual Education and Integration have been viewed as programs which function at cross purposes. Some of the more prevalent criticisms are:

1. Dispersal of Hispanic students diffuses the original bilingual programs.
2. Reassignment of minority pupils leads to even more minority status in a majority school; therefore less involvement and decision-making is enjoyed by the minority community.
3. Students have to choose between Bilingual Education and Desegregation.
4. Dispersal of bilingual instructors reduces the ratio of Hispanic teachers to Hispanic students.
5. Misclassification and tracking occurs since students may be reassigned to schools where teachers, counselors and administrators may not be trained nor culturally sensitive enough to correctly diagnose and prescribe proper instruction and class assignments. (Cardenas, 1977; Roos, 1977).

Educationally however, the following issues need to be analyzed in order to see the problem from a different perspective.

- I. Bilingual education as a basic educational program should not be compensatory in nature and is therefore not solely for the minority learner.

Many of the critics of desegregation programs for minority language students are the same individuals who speak out against compensatory, transitional type bilingual programs. Yet they claim that segregated programs are necessary in order to provide the skill development necessary in the primary language of the student. I would venture to say that educators close to the classroom will verify that segregated programs are the most compensatory in nature. They are usually viewed as remedial with little connection to the regular school program, since they do not include majority students.

Why should majority students be included? Since language status, socioeconomic level and teacher expectations have a great deal to do with poor achievement and self-concept on the part of many limited- and non-English speaking students, it seems the question to be asked is, what kind of program can begin reversing these negative phenomena; a program that is inherently a change agent, that is basic education for all students and which of course includes majority students. (Tucker, 1975)

It is not simply a question of the physical participation of majority students but of the strategies, curricula and attitudes in the integrated setting which can serve to drastically raise the status of the minority languages and the expectations for the speakers of those languages.

The following logic is inherent in successful bilingual programs:

- The main predictor of success in the second language is success in the mother tongue (Troike, 1978; Christian, 1971).
- therefore a substantial foundation in the primary language must be built.
- If the minority language and culture have low prestige, what will encourage students and their parents to desire this needed development of the primary language in the school?
- Since language is one of the chief expressions of culture and lifestyles how can the self-concept and feelings of worth on the part of students be enhanced in an isolated, compensatory milieu?
- An integrated, "culturally democratic" program, with the full participation of majority students is therefore one of the basis for bilingual education programs.

II. Assignment of students to form integrated classes should be the objective of bilingual classes and does not necessarily cause a disruption of the program but can be an educational enhancement.

Many planned variations for integrated bilingual programs can be achieved on a districtwide basis. Many of the disadvantages of movement of students for integration purposes such as, busing, feelings of displacement, less community cohesion, etc. can be counterbalanced by the advantages provided in the program. For the LES/NES students this includes all of the factors mentioned before which allow for an opportunity to participate in an enriched, pluralistic setting rather than a remedial, compensatory one.



Likewise for the majority student, as Paulo Freire would say, an opportunity for the majority and minority students to dialogue with one another on an equal basis, through a humanizing process.

These variations include full time bilingual magnets and centers, and partial bilingual programs within other types of integrated programs such as science, performing arts and learning centers.

Bilingual magnets at the secondary level can provide a continuous bilingual/bicultural education for elementary students, and at the same time meet the needs of those students entering the district program at the secondary level for the first time.

III. If bilingual education is part of the basic educational program in a district the students should not have to choose between an integrated setting and a bilingual program. Bilingual education programs would include a developmental sequence, and in turn various organizational formats.

#### Elementary Level

Assuming the philosophy that bilingual/bicultural education is basic education for all LES/NES students, regardless of language or location in the district, then the following elementary models (see Figure 1) can provide these programs in any school setting within the framework of a district's integration program.

##### A. Full bilingual programs

- In schools with high concentrations of LES/NES students the total program would be bilingual/bicultural. Majority students can be

The six program models for bilingual education which follow have been structured for elementary schools with varying enrollment patterns. Each individual school must complete a needs assessment of the numbers of non- and limited-English speaking students and their language dominances and proficiencies in order to determine appropriate program models for each site.

WHICH MODELS ARE APPROPRIATE FOR EACH SITE?

After a site has determined exactly how many non- and limited-English speaking students need to be served, the following chart will be helpful in planning.

Figure 1.

| NON- AND LIMITED-ENGLISH<br>SPEAKING STUDENTS AT EACH SITE                                                                                                                 | PROGRAM MODEL                                                                                          |                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
|                                                                                                                                                                            | ORGANIZATION                                                                                           | CURRICULUM PROGRAM                                                               |
| 10 or more non-English speaking or 15 or more non- and limited-English speaking students of the same primary language and in the same grade level or existing multi-grade. | Full Team Teaching<br>or<br>Limited Team Teaching<br>or<br>Self-Contained Classroom<br>or<br>Immersion | Full Bilingual<br><br>Full Bilingual<br><br>Full Bilingual<br><br>Full Bilingual |
| 5 - 9 non- and/or limited-English speaking students of the same primary language in any grade or existing multigrade level.                                                | Self-Contained Classroom<br><br>or<br><br>In-School Language Center                                    | Partial Bilingual<br><br><br><br>Partial Bilingual                               |
| 4 or fewer non- and/or limited-English speaking students per language group.                                                                                               | Multilingual/Instructional Center<br><br>In-School Language Center                                     | Partial Bilingual<br>or<br>Individualized Program                                |

assigned on at least a 2/3 - 1/3 ratio. Workable classroom organizations that can accommodate this program are; full team teaching and the self-contained classroom. (San Diego Plan, 1977)

These full bilingual programs would provide both the LES/NES students and the majority students basic subjects in their primary language while receiving systematic and sequential development in the second language. Both second language and cultural development would be integrated throughout the curriculum and would be provided on an equal basis to both groups of students.

- In situations where large concentrations of one linguistic group are attracted to majority schools, full bilingual magnets can be implemented. Some organizational variations may include full team teaching models and immersion models. The immersion programs are those which immerse students in the minority language. Majority parents volunteer to place their children in the program with the understanding that the program would follow the Canadian model with English speaking students immersed in Spanish. Again, the basic difference is that in this case immersion is in the minority rather than the majority language. (Tucker, Lambert 1971)

The most common variation of this model used in this area and in other parts of the country is one which attracts both minority and majority students; however all students are totally English speaking. The preferred, integrated model, in the writer's opinion, is one which includes native speakers of the minority language. This will be discussed later in the terms of peer interaction, verbal and non-verbal communication as means for cultural communication.

## B. Partial Bilingual Programs

- In a district-wide integration program, LES/NES students of many languages can be found spread in various concentrations throughout the district. The following planned variations can serve to meet the needs of these students while at the same time providing an integrated experience.
  
- Small groups of one language group can be accommodated within the self-contained classroom or through an In-School Language Center. These programs would provide at a minimum, Mathematics and Reading in the primary language while the students are receiving English-as-Second Language on a regular basis. The In-School Language Center is one which is conducted by a team of itinerant bilingual staff who provide the primary language instruction while the site staff provides the English-as-a-Language instruction. Within the regular classroom, activities are planned which integrate both languages and cultures throughout the day. The centralized itinerant bilingual staff have the responsibility to assist the sites within their region in involving the minority parents in the school program and to assist site teachers in developing multicultural curriculum; also to discover ways of involving the majority students in a more systematic manner.
  
- Multilingual Instructional Centers are utilized for two to three language groups, e.g., the Indochinese language groups. In this case the limited bilingual staff are housed at an integrated school



and the students are transported to the center for a comprehensive bilingual program. The center, and regular site staff have the responsibility of providing multicultural, integrated activities and learning experiences throughout the remainder of the day and to involve minority parents in the school's and center's activities.

- At the elementary level the developmental sequence of the program is much easier to achieve. In other words, these programs can more easily meet the needs of students who come in at any given level since that is the basic structure of the elementary program. E.g., if a particular magnet happens to be a Science program but the site has attracted a small group of LES/NES students, some of which speak Vietnamese and some Arabic, the In-School Language Center program would include bilingual instruction in the Science area to assist students who might wish to opt into the magnet. Being LES/NES would therefore not preclude their involvement. Also, the ESL curriculum would emphasize continuous reinforcement of Science concepts within the systematic English-as-a-Second Language program providing the needed vocabulary and grammar necessary.

### Secondary Level

A plan for full participation of LES/NES students in a district's integration plan must take a different scope at the secondary level. The developmental sequence of the program is much more difficult at this level because of the age, maturity and varying levels of the students coming into the programs. A plan for this level is in two parts; Regional and Resident Centers. (See Figure 2)

#### A. Resident Centers

These centers include schools with high concentrations of LES/NES

The four program models for bilingual education which follow have been structured for secondary schools with varying enrollment patterns. An individual school needs assessment of numbers of non- and limited-English speaking students, their language dominances and proficiencies is necessary to determine appropriate program models for each site.

WHICH MODELS ARE APPROPRIATE FOR EACH SITE?

After a site has determined exactly how many non- and limited-English speaking students need to be serviced, the following chart will be helpful in planning.

Figure 2.

| NON- AND LIMITED-ENGLISH<br>SPEAKING STUDENTS AT EACH<br>SITE                                                                         | PROGRAM MODEL                                                                              |                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------------|
|                                                                                                                                       | ORGANIZATION                                                                               | CURRICULUM PROGRAM                               |
| 10 or more non-English speaking students or 15 or more non- and limited-English speaking students of the same language at each level. | Full Team Teaching or Academic Subject Areas in Primary Languages                          | Full Bilingual<br>Full Bilingual                 |
| 10 or more non-English speaking students or 15 or more non- and limited-English speaking students between grade levels 7-9 or 10-12.  | Academic Subject Areas in Primary Languages or Some Academic Subjects in Primary Languages | Full Bilingual<br>Partial Bilingual              |
| Minimal numbers of non- and limited-English speaking students of the same primary language at grades 7-9 or 10-12.                    | Resident Language Center                                                                   | Partial Bilingual<br>                            |
| Minimal numbers of non- and limited-English speaking students per language group at grades 7-9 or 10-12.                              | Regional Multilingual Instructional Center                                                 | Partial Bilingual or Individual Learning Program |

students of one language group and have attracted groups of majority students. Bilingual magnets in majority schools are included in this group. One of the major problems that occurs in these programs is that secondary personnel often view programs for LES/NES students and bilingual magnet programs as distinct programs. This always has the danger of placing restrictions on students entering the magnet. If the program is conceptualized as a developmental sequence then the curriculum model would provide the following levels:

- Incoming students with limited skills in the second language and/or LES/NES students with limited skills in the primary language would begin the program taking basic skills classes conducted entirely in the primary language. The classes would be for those students only. They would also take ESL classes. Elective courses would be taken in the regular program. These students would always have the option of entering the magnet program as the pre-requisite skills are achieved. Majority students would also opt into the full bilingual magnet after a certain level of second language skill has been developed. Therefore, no student is prevented from coming into the magnet school but would merely enter at different levels.
- The full magnet program provides classes such as Social Studies, Spanish Language, P.E. and Art conducted in mixed groups with the languages alternated by week. This is an opportunity for students developing bilingualism to refine and enrich their skills while participating in a totally integrated setting. Regular English and other elective classes would be taken in the regular school program.

#### B. Regional Centers .

Partial and individualized bilingual programs are provided throughout the district for various concentrations of LES/NES students of many linguistic groups. Students are transported to an integrated school where the appropriate language center is conducted. In much the same way as the elementary centers, the bilingual staff in the center provides basic skills instruction in the primary language while the site staff provides English-as-a-Second Language instruction. Again, the center staff would emphasize, where appropriate the particular curriculum in the magnet for students wishing to participate. It would be the responsibility of both the site and center staff to assist teachers in providing multicultural curriculum throughout the school day and to involve parents in the program.

IV. LES/NES students definitely need teachers who are of the same cultural and linguistic background, however a balance of staff is not only required by law but is also an asset to a bilingual program.

Much of the rationale regarding the integration of majority and minority students in bilingual programs applies to teachers as well. Peer models are a very strong influence on student attitudes but adult models are also very important. All of the models described for both elementary and secondary levels should strive to include both majority and minority teachers, counselors and administrators as part of the programs. Team teaching models include, E.g., a Spanish speaking and an English speaking teacher. At the elementary level these two teachers team throughout the day. The objective is to pair teachers so that they



- V. Misclassification and tracking tend to be the initial trend in newly integrated programs. Often it is difficult for LES/NES students to compete academically with their majority peers. Rather than reacting to this situation educators should accept the challenge of developing strategies, curricula and training techniques which will help teachers go beyond academic differences in the classroom and bring to bear what students bring with both culturally and linguistically.

-a basic requirement of the program that would help avoid tracking but include legitimate skill groupings, is the developmental sequence discussed previously. Again, it is absolutely necessary that this concept be implemented on a districtwide basis.

Dr. Orfield's statement helps to introduce the following discussion.

"A way should be found to produce classes in a school setting where both cultures or many cultures are represented, and where children are taught in a way that respects them. It is also important that groups of children get a chance to learn a language in a setting where there is constant interchange with students who speak the language every day and always in their homes." (Orfield, 1977)

Culturally pluralistic curriculum activities and strategies can be accomplished in a variety of ways. It is true that mere instruction in the minority language does not, of itself, lead to a pluralistic program. The premise is however, that where students are involved who speak a language other than English, the importance of language as one of the basic elements for communicating culture and learning styles, cannot be ignored in interactional activities between

majority and minority students. This may be apparent to many of us working directly in this field but to those educators we are attempting to influence in this area, it may not be so apparent. E.g., much discussion and training about learning styles, culturally democratic classroom, and non-verbal communication can very easily disregard language in the minds of many people. Consciousness may be raised in this regard but if conducted in an all-English, or predominantly English setting, essentially the status quo has been maintained. The cultural world of the linguistically different student has not been entered.

-The research of Castañeda and Ramirez in bicognitive development of minority students can be applied directly to language learning. Historically, a foreign language approach has been commonly utilized in the language learning process. This type of approach might be described by Castaneda as appealing to a "field independent" cognitive learning style. Typically, the learning of correct grammar, usage and vocabulary with a great emphasis on reading and writing are the essence of this approach. Very often this same approach is used in bilingual programs for teaching English-as-a-Second Language and Spanish-as-a-Second Language. Independent, competitive activities are encouraged focusing on the cognitive aspects of the language rather than the cultural aspects. The entire discussion of cognitive styles by Ramirez and Castaneda deals with affective styles as well. The term "cognitive seems not to be comprehensive enough in describing the behaviors related to these styles. The researchers explain that the particular styles of many Mexican-American children are "field sensitive" and result from variables relating to culture, community and family. E.g., emphasis

on respect for family, religion and tradition, and "embeddedness in the family," are typical of the characteristics of the field sensitive individual. The affective domain appears to be an even greater force here than the cognitive. Do "cognitive learning styles" as described by Ramirez and Castaneda include the interaction of all domains? Additionally, Castaneda depicts the student whose primary language is Spanish as more likely to be field sensitive. Very little is said regarding how the language itself as a carrier of a "field sensitive" culture can of itself communicate certain styles and values. (Castañeda, Ramirez, 1978)

-The behaviors related to the field sensitive culture and language can be tapped in the integrated, bilingual classroom to encourage language learning through certain kinds of interactions. Rather than focusing solely on the field independent activities relating to grammar, reading and writing, etc., the curriculum should include activities which stimulate the field sensitive environment such as group projects, cooperative activities and peer tutoring for language learning. A strong emphasis on oral communication is vital here. Through oral communication many cultural behaviors are expressed and can be emulated by peers in the classroom. Learning centers, dramatizations, role playing and language experience stories are a few of the curricular activities that can stimulate this kind of learning.

As teachers are trained to utilize these different styles in their teaching, to enhance learning in an integrated classroom, a more balanced curriculum results. Equal access becomes more a reality and thus tracking is avoided. As the classroom becomes more

"culturally democratic", the majority teacher's and learner's styles are not seen as the only vehicle for learning. Thus, other doors are opened which allow all students access into a variety of learning modes. The majority student gains access into the cultural world of his minority peers and; the minority student coming into a majority school does not then find himself or herself in a situation where he or she is measured against an unfamiliar norm but comes into a situation where his language, culture and learning styles are not only accepted but are respected and shared with other students.



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